3222. Also, petition of the International Agricultural Corporation, New York City, concerning the wage and hour bill; to the Committee on Labor.

3223. By Mr. PFEIFER: Petition of the International Agricultural Corporation, New York City, concerning exemption of the fertilizer industry in the wage and hour bill; to the Committee on Labor.

3224. By Mr. KENNEY: Petition of the Brotherhood of Railroad Trainmen, urging enactment of the Federal train-limit law; to the Committee on Interstate and Foreign Commerce.

3225. By Mr. FITZPATRICK: Petition of the Central Trades and Labor Council of Greater New York and Vicinity, urging the passage of the wage and hour bill, also the housing bill; to the Committee on Ways and Means.

3226. By Mr. DICKSTEIN: Petition of the Disabled American Veterans of the United States; to the Committee on World War Veterans' Legislation.

3227. By Mr. CLASON: Petition of Mayor Henry Martens and six members of the board of aldermen of Springfield, Mass., requesting Congress to give immediate consent to the Connecticut River interstate flood-control compact as approved by the legislatures of Connecticut, New Hampshire, Vermont, and Massachusetts; to the Committee on Flood Control.

3228. Also, petition of Mayor Charles L. Dunn and five members of the board of aldermen of Northampton, Mass., requesting Congress to give immediate consent to the Connecticut River interstate flood-control compact as approved by the legislatures of Connecticut, New Hampshire, Vermont, and Massachusetts; to the Committee on Flood Control.

3229. By Mr. CURLEY: Petition of Local 802, American Federation of Musicians, Associated Musicians of New York, urging enactment of the Allen-Schwellenbach bill; to the Committee on Appropriations.

SENATE

THURSDAY, AUGUST 12, 1937

(Legislative day of Monday, Aug. 9, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, August 11, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—NOMINATIONS AND APPROVAL OF BILLS AND JOINT RESOLUTION

A message in writing from the President of the United States nominating HUGO L. BLACK, of Alabama, to be an Associate Justice of the Supreme Court of the United States and also messages submitting sundry other nominations were communicated to the Senate by Mr. Latta, one of the President's secretaries.

Mr. Latta also communicated to the Senate the intelligence that the President had approved and signed the following acts and joint resolution:

On August 6, 1937:

S. 1115. An act to amend section 22 of the act approved March 4, 1925, entitled "An act providing for sundry matters affecting the naval service, and for other purposes."

On August 10, 1937:

S. 81. An act to provide retirement annuities for certain former employees of the Panama Canal and the Panama Railroad Co. on the Isthmus of Panama;

S. 184. An act for the relief of Josephine M. Scott;

S. 1278. An act to authorize exchange of lands at military reservations, and for other purposes;

S. 1281. An act to authorize the sale of surplus War Department real property;

S. 2334. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

S. 2399. An act for the relief of R. L. McLachlan; and

S. J. Res. 183. Joint resolution consenting to an interstate oil compact to conserve oil and gas.

On August 11, 1937:

S. 972. An act for the relief of Ethel Smith McDaniel;

S. 1453. An act for the relief of Maude P. Gresham and Agnes M. Driscoll; and

S. 2157. An act authorizing credits to disbursing officers for expenses incident to the creation of subsistence homesteads corporations.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 7985. An act to promote air commerce by providing for the enlargement of Washington Airport; and

H. R. 8174. An act to make available to each State which enacted in 1937 an approved unemployment-compensation law a portion of the proceeds from the Federal employers' tax in such State for the year 1936.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 2260) to provide for intervention by the United States, direct appeals to the Supreme Court of the United States, and regulation of the issuance of injunctions, in certain cases involving the constitutionality of acts of Congress, and for other purposes, and it was signed by the Vice President.

ADOPTION PROCEEDINGS IN THE DISTRICT

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2281) to regulate proceedings in adoption in the District of Columbia.

Mr. KING. I move that the Senate disagree to the amendments of the House, request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. KING, Mr. OVERTON, and Mr. CAPPER conferees on the part of the Senate.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	La Follette	Pope
Andrews	Copeland	Lee	Radcliffe
Ashurst	Davis	Lewis	Reynolds
Austin	Dieterich	Lodge	Schwartz
Barkley	Donahey	Logan	Schwellenbach
Berry	Ellender	Lonergan	Sheppard
Bilbo	Frazier	Lundeen	Shipstead
Black	George	McAdoo	Smathers
Bone	Gerry	McCarran	Smith
Borah	Gillette	McGill	Steiwer
Bridges	Glass	McKellar	Thomas, Okla.
Brown, Mich.	Green	McNary	Thomas, Utah
Brown, N. H.	Guffey	Maloney	Townsend
Bulkley	Hale	Minton	Tydings
Bulow	Harrison	Moore	Vandenberg
Burke	Hatch	Murray	Van Nuys
Byrd	Herring	Neely	Wagner
Byrnes	Hitchcock	Nye	Walsh
Capper	Holt	O'Mahoney	White
Caraway	Johnson, Calif.	Overton	
Chavez	Johnson, Colo.	Pepper	
Clark	King	Pittman	

Mr. MINTON. I announce that the Senator from Wisconsin [Mr. DUFFY] and the Senator from Georgia [Mr. RUSSELL] are absent on official duty as members of the committee appointed to attend the dedication of the battle monuments in France.

I further announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Delaware [Mr. HUGHES], the Senator from Missouri [Mr. TRUMAN], and the Senator from Montana [Mr. WHEELER] are necessarily detained from the Senate.

Mr. SCHWELLENBACH. I announce that the Senator from Nebraska [Mr. NORRIS] is detained from the Senate because of illness.

Mr. AUSTIN. I announce that my colleague the junior Senator from Vermont [Mr. GIBSON] is absent on official business in connection with his duty as a member of the committee appointed to attend the dedication of the battle monuments in France.

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present.

NOMINATION OF ASSOCIATE JUSTICE OF SUPREME COURT

Mr. ASHURST. Mr. President, out of order, I ask unanimous consent that the Senate consider a message from the President of the United States.

The VICE PRESIDENT. The Senator makes the request as in executive session?

Mr. ASHURST. As in executive session.

The VICE PRESIDENT. Is there objection?

Mr. JOHNSON of California. I want to know what it is.

The VICE PRESIDENT. The message of the President of the United States is the nomination of an Associate Justice to the Supreme Court.

Mr. JOHNSON of California. Is the request to take it up immediately?

The VICE PRESIDENT. The Senator from Arizona has asked that, as in executive session, it be laid before the Senate.

Mr. JOHNSON of California. Is it the plan to take it up immediately?

Mr. ASHURST. I ask that it be laid before the Senate.

Mr. JOHNSON of California. I object.

Mr. ASHURST. I ask that the message be read.

The VICE PRESIDENT. The Chair thinks that any message from the President of the United States is privileged to be laid before the Senate at any time. The Chair understood the Senator from Arizona to ask that it be laid before the Senate as in executive session. That can be objected to, and the Senator from California has objected to laying the message before the Senate as in executive session.

Mr. JOHNSON of California. I have.

Mr. ASHURST. I now ask that the message be laid before the Senate as in legislative session.

The VICE PRESIDENT. The Clerk will report the President's message.

The Chief Clerk read as follows:

I nominate HUGO L. BLACK—

The VICE PRESIDENT. Wait a moment, please. The Chair is not familiar with this rule, and the Parliamentarian advises the Chair that if objection is made he cannot lay down a message that should come in executive session in regular order of the Senate. If the Senator from Arizona should move to go into executive session, that would be another matter. The Senator from California has objected, and, under the rules of the Senate, the message cannot be laid before the Senate, because it should be laid before the Senate in executive session.

Mr. ASHURST. Mr. President, the clerk having read the nomination of Senator HUGO L. BLACK to be an Associate Justice of the Supreme Court of the United States, I have the following to say:

It is an immemorial usage of the Senate that whenever the Executive honors this body by nominating a Member thereof, that nomination is confirmed without reference to a committee, for the obvious reason that no amount of investigation or consideration by a committee of the Senate could disclose any new fact or shed any new light upon the character, attainments, and ability of the nominee, because if we do not know him after long service with him, no one will ever know him.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. ASHURST. I cannot yield at this moment.

Mr. BURKE. I should like to ask the Senator a question.

Mr. ASHURST. I will not yield for the moment.

The VICE PRESIDENT. The Senator from Arizona declines to yield.

Mr. ASHURST. In this particular case the nominee having served in this body since the 4th of March 1927, has demonstrated that he is a lawyer, I will not say of more than unusual ability but a lawyer of transcendent ability, of great industriousness, courteous in debate, young, vigorous, and of splendid character and attainments. Indeed, for years he has stood in the fierce white light that beats about a public man and no taint of suspicion or breath of prejudice has ever dimmed the bright mirror of his character and reputation. I cannot conceive how the President could have made a wiser selection than the one he has made.

Administrations come and go, but justices of the courts of the United States remain as memorials of or as reproaches to that administration long after it has passed.

At this particular time I realize that the Senator who objects may carry this nomination over. I hope and believe the Senate will appreciate the compliment that has been paid to the Senate by this nomination. I now yield first to the Senator from Nebraska.

Mr. BURKE. Mr. President, we are interested in the statement in reference to the immemorial custom that has prevailed in this body, but does the Senator from Arizona consider that, in the entire history of this country, there has ever been an occasion at all resembling the present one in reference to sending to the Senate the nomination of a Supreme Court Justice? If I may be permitted to go one step further, I would say that, regardless of any immemorial custom, and regardless of what my own attitude may be in reference to this nomination, I think it should certainly go to the committee for very careful study.

Mr. ASHURST. In reply to my able friend, let me say that, if the President of the United States had seen fit to send to the Senate the name of the Honorable EDWARD R. BURKE to be Associate Justice of the Supreme Court, I would have, without hypocrisy, been able to say of him precisely what I have said of the Senator from Alabama [Mr. BLACK].

I do not agree with some of the philosophies of the Senator from Alabama. He knows that. I do not, forsooth, agree with some of the philosophies of the junior Senator from Nebraska [Mr. BURKE]. But only fools would question the patriotism, the integrity, the ability, or the sound learning of either of these two Senators. No one whose opinion is worthy of the slightest consideration would for a moment imagine that either of these two gentlemen, the nominee, the Senator from Alabama [Mr. BLACK], or the junior Senator from Nebraska [Mr. BURKE], could for a moment be actuated other than by the highest motives of conscience, patriotism, prudence, or guided by other than their respective luminous ability.

In view of the objection, I move that the Senate proceed to the consideration of the nomination.

Mr. CLARK. Mr. President, a parliamentary inquiry.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

Mr. ASHURST. Mr. President, I withdraw the motion.

Mr. JOHNSON of California. Mr. President, I had just entered the Chamber, and upon coming in I was informed the nomination had been made. I do not want to consent to its immediate consideration, and I think it ought to pursue the regular course of such nominations. I say that without any reflection upon the Senator from Alabama, because that would be the least of my thoughts. But at this particular juncture, with a situation which has been fraught with very potential possibilities to the country, as some of us think, I believe a nomination to the Supreme Court is of paramount importance and that no custom heretofore pursued by the Senate should stand in the way of the rule requiring reference of the nomination.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. If a motion should be made to proceed to the consideration of executive business for the purpose

of considering the nomination, would it then be in order for the Senate to proceed to consider it without reference to a committee except by unanimous consent?

The VICE PRESIDENT. It would not be in order. The rule of the Senate provides that a nomination must go over for one day if a single objection be made.

Mr. BARKLEY. Under those circumstances it seems to me it would be unwise and futile to go into executive session at this time. I suggest that we pursue the usual course with reference to such matters.

Mr. McNARY. Mr. President, the Chair has answered the parliamentary inquiry correctly. If objection is made on the day a nomination is submitted to the Senate, it must go over under the rule until the next day. The objection of one Senator would naturally and automatically send the matter over for the day.

The VICE PRESIDENT. The message of the President will lie on the Vice President's desk.

VIRGINIA DARE CELEBRATION, ROANOKE ISLAND, N. C.

The VICE PRESIDENT laid before the Senate the following letters, which were read:

UNITED STATES SENATE,
August 12, 1937.

Hon. JOHN N. GARNER,
President, United States Senate,
Washington, D. C.

DEAR MR. PRESIDENT: I find it impossible to attend the Virginia Dare celebration to be held at Roanoke Island, N. C., on August 18, 1937, and therefore tender my resignation as a member of the committee on the part of the Senate.

Very truly yours,

CARTER GLASS.

UNITED STATES SENATE,
Washington, D. C., August 12, 1937.

Hon. JOHN N. GARNER,
President, United States Senate,
Washington, D. C.

DEAR MR. PRESIDENT: I find it impossible to attend the Virginia Dare Celebration to be held at Roanoke Island, N. C., on August 18, 1937, and therefore tender my resignation as a member of the committee on the part of the Senate.

Very truly yours,

CHAS. L. McNARY.

The VICE PRESIDENT. The Chair appoints the Senators from North Carolina [Mr. BAILEY and Mr. REYNOLDS] as members on the part of the Senate of the joint committee to represent the Congress at the celebration of the three hundred and fiftieth anniversary of the birth of Virginia Dare, at Roanoke Island, N. C., on August 18, 1937, in place of Mr. GLASS and Mr. McNARY, respectively, who have tendered their resignations.

INVESTIGATION OF ELECTRIC AND GAS UTILITIES—INDEX

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Federal Trade Commission, transmitting, pursuant to Senate Resolution 83 (70th Cong., 1st sess.) as extended by Senate Joint Resolution 115 (73d Cong., 2d sess.), part 84–D, being an index to parts 21 to 84–C, inclusive; part 84–D, together with parts 71–B and 81–A, constituting a general index to the 95 printed volumes comprising the record of the Commission's investigation of electric and gas utilities, which, with the accompanying index, was ordered to lie on the table.

PETITIONS AND MEMORIALS

Mr. LODGE presented petitions of sundry citizens of the State of Massachusetts, praying for the enactment of legislation to abolish the Federal Reserve System as at present constituted, and also praying that Congress exercise its constitutional right to coin money and regulate the value thereof, which were referred to the Committee on Banking and Currency.

Mr. TYDINGS presented a memorial of sundry citizens of Baltimore, Md., remonstrating against the enactment of legislation to permit Hawaii and Puerto Rico to send their sugar quotas to the United States in refined form, and favoring the enactment of the pending sugar-quota bill in the same form as passed by the House of Representatives, which was ordered to lie on the table.

Mr. NYE presented a petition of sundry citizens of Olean, N. Y., praying for the enactment of Senate Joint Resolution 10, amending the Constitution so as to provide for a national referendum before war may be declared by the United States, which was referred to the Committee on Foreign Relations.

Mr. COPELAND presented a resolution adopted by the Great Kills Branch of the Home Owners' and Taxpayers' Association of Staten Island, N. Y., favoring the reduction of interest to 3 percent on mortgages held by the Home Owners' Loan Corporation, which was referred to the Committee on Banking and Currency.

He also presented a memorial of sundry citizens of Olean, N. Y., remonstrating against the enactment of the bill (S. 25) to prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense and promote peace, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Olean, N. Y., praying for the enactment of House joint resolution 199, relating to the powers of Congress to declare war, which was referred to the Committee on the Judiciary.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated below:

H. R. 7985. An act to promote air commerce by providing for the enlargement of Washington Airport; to the Committee on Commerce.

H. R. 8174. An act to make available to each State which enacted in 1937 an approved unemployment-compensation law a portion of the proceeds from the Federal employers' tax in such State for the year 1936; to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. KING, from the Committee on the District of Columbia, to which was referred the bill (S. 2339) to amend the act entitled "An act to provide for the construction of certain public buildings, and for other purposes", approved May 25, 1926 (44 Stat. 630), as amended, reported it with an amendment and submitted a report (No. 1172) thereon.

He also (for Mr. HUGHES), from the same committee, to which was referred the bill (H. R. 6563) to define, regulate, and license real-estate brokers, business-chance brokers, and real-estate salesmen; to create a Real Estate Commission in the District of Columbia; to protect the public against fraud in real-estate transactions; and for other purposes, reported it with amendments and submitted a report (No. 1173) thereon.

Mr. COPELAND, from the Committee on the District of Columbia, to which was referred the bill (S. 1629) to amend the act entitled "An act to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia; to regulate interstate traffic in said articles; and for other purposes", approved July 1, 1902, to make it applicable to surgical ligatures and sutures, reported it without amendment and submitted a report (No. 1174) thereon.

Mr. TYDINGS, from the Committee on the District of Columbia, to which was referred the bill (H. R. 7084) to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes, reported it with amendments and submitted a report (No. 1179) thereon.

Mr. ASHURST, from the Committee on the Judiciary, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 2892. A bill to amend section 798 of the Code of Law for the District of Columbia, relating to murder in the first degree (Rept. No. 1175); and

S. 2893. A bill to confer jurisdiction upon certain United States commissioners to try certain civil suits wherein the United States is plaintiff (Rept. No. 1176).

Mr. CLARK, from the Committee on Finance, to which was referred the bill (H. R. 8174) to make available to each State which enacted in 1937 an approved unemployment-compensation law a portion of the proceeds from the Federal employers' tax in such State for the year 1936, reported it without amendment and submitted a report (No. 1178) thereon.

Mr. PITTMAN, from the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 186) providing for the participation of the United States in the continuing international exposition to be known as Pacific Mercado, to be held in the city of Los Angeles, Calif., commencing in the year 1940, and in the year 1942 commemorating the landing of Cabrillo, and for other reasons, reported it with an amendment and submitted a report (No. 1180) thereon.

He also, from the same committee, to which were referred the following joint resolutions, reported them severally without amendment and submitted reports thereon:

S. J. Res. 197. Joint resolution authorizing an appropriation for the expenses of participation by the United States in the Inter-American Radio Conference to be held in 1937 at Habana, Cuba (Rept. No. 1181);

S. J. Res. 199. Joint resolution to authorize an appropriation for the expenses of participation by the United States in the Eighth International Road Congress in 1938 (Rept. No. 1182); and

H. J. Res. 385. Joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in the Oil World Exposition at Houston, Tex., to be held October 11 to 16, 1937, inclusive (Rept. No. 1183).

Mr. SMITH, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 2688) to provide for preliminary examinations and surveys for run-offs and water-flow retardation and soil-erosion prevention on the watersheds of the Rio Grande and Pecos Rivers, reported it without amendment and submitted a report (No. 1177) thereon.

PERMANENT AGRICULTURAL PROGRAM—REPORT OF COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. SMITH, from the Committee on Agriculture and Forestry, to which was referred the concurrent resolution (S. Con. Res. 19) favoring the consideration of a permanent agricultural program on the convening of the next session of Congress (submitted by Mr. BILBO and Mr. BLACK on Aug. 3, 1937), reported it with amendments.

FINAL REPORT ON "MORRO CASTLE" AND "MOHAWK" INVESTIGATIONS (REPT. 184, PT. 4)

Mr. COPELAND. Mr. President, from the Committee on Commerce I submit the final report on the *Morro Castle* and *Mohawk* investigation, which has been going on for about 18 months. I ask that the first seven pages of the report be printed in the RECORD, and also that the entire report be printed, with an illustration, as part 4 of Senate Report No. 184.

The VICE PRESIDENT. Without objection, it is so ordered.

The portion of the final report above referred to by Mr. COPELAND is as follows:

Supplementing the committee's Reports No. 776, submitted June 3, 1935; No. 776, part 2, submitted February 6, 1936; No. 776, part 3, submitted May 20, 1936; No. 776, part 4, submitted June 20, 1936; Preliminary Report No. 184 (75th Cong., 1st sess.), submitted March 17, 1937; and Preliminary Report No. 184, part 2, submitted June 8, 1937, the following final report is submitted.

REQUIREMENTS OF SENATE RESOLUTION 7

Senate Resolution No. 7, which was passed by the Senate on March 16, 1935, required the following:

"(1) To collect, collate, coordinate, and make available to the Senate the results of (a) the inquiry into the *Morro Castle* disaster conducted by the Secretary of Commerce through the Steamboat Inspection Service of the Department of Commerce."

This was covered by Report No. 776, submitted on June 3, 1935.

"(b) The inquiry into the *Morro Castle* disaster, and the actions taken in connection with or subsequent to such inquiry, by the United States attorney for the southern district of New York."

This was covered by Report No. 184, part 2, submitted June 8, 1937.

"(c) Such inquiries into the *Mohawk* disaster as have been or may be conducted by the Secretary of Commerce through the Steamboat Inspection Service of the Department of Commerce and by the United States attorney for the southern district of New York, and the actions taken in connection with or subsequent to such inquiry."

This was covered by Report No. 776, submitted June 3, 1935.

"(d) Such other inquiries into the *Morro Castle* disaster, the *Mohawk* disaster, and other maritime tragedies as would, in the discretion of the committee, be helpful for the purposes of this resolution."

This is covered in part by Reports No. 776, submitted June 3, 1935; No. 776, part 2, submitted February 6, 1936; No. 776, part 3, submitted May 20, 1936; No. 776, part 4, submitted June 20, 1936, and also in this report.

"(2) To make such further investigations of the *Morro Castle* and the *Mohawk* disasters, including the rescue operations carried on in connection therewith, as the committee shall deem advisable and necessary for the purposes of this resolution."

This was covered by Report No. 776, submitted June 3, 1935.

"(3) To investigate the adequacy and enforcement of the present legal standards of safety of ship construction and operation."

This was covered by Report No. 184, submitted March 17, 1937.

"(4) To investigate the prevalent methods and practices in the complementing of seagoing vessels, including all conditions of employment."

This is covered by this report.

"(5) To investigate the adequacy and efficiency of the Steamboat Inspection Service."

This is covered by this report.

"(6) To investigate whether the laws governing liability for loss of life and property at sea, the laws and usages of salvage, and the laws, usages, and practices of the business of marine insurance tend to encourage the installation and utilization of such devices and the promotion of such practices as are conducive to safety and to a paramount concern at all times for the preservation of life."

This was covered by Report No. 184, part 2, submitted June 8, 1937.

"(7) To make a preliminary report of the results of its investigations as soon as practicable, to make further reports from time to time but at least once during each regular session of the Senate until it has completed its investigations, and to submit a final report to the Senate, together with its recommendations for necessary legislation."

Including this report, seven reports have been submitted to the Senate, and, growing out of these, five recommendations have been submitted for new legislation.

In Report No. 776, part 2, recommendations were made for legislation to bring the Communications Act of 1934 up to date so as to promote safety of life through the use of radio. This legislation was finally passed by the Seventy-fifth Congress and now stands as Public, 97 (75th Cong.), approved May 20, 1937.

In Report No. 776, part 3, recommendations were made for legislation to implement the Convention for Promoting Safety of Life at Sea, 1929, insofar as it required the maintenance of an ice patrol in the vicinity of the Newfoundland Banks. This legislation, to promote safety at sea in the neighborhood of ice and derelicts, was passed by the Seventy-fourth Congress and now stands as Public, 799 (74th Cong.), approved June 25, 1936.

In Report No. 776, part 4, recommendations were made for legislation to make effective the International Regulations for Preventing Collisions at Sea which were agreed upon at the International Conference on Safety of Life at Sea, 1929. This legislation stands as S. 1273 and has been passed by the Senate.

In Report No. 184 recommendations were made for legislation to modernize our laws in respect to safety of ship construction and operation. This legislation stands as S. 1916 and, as an alternative, as S. 2580. These bills were considered by the committee after hearings held on May 5 and May 19, 1937, and S. 2580 was reported with the recommendation that it be passed.

In the present report recommendations are made for legislation covering certain phases of the laws governing the personnel engaged in manning merchant vessels of the United States.

From the above it will be seen that your committee has covered all requirements of Senate Resolution No. 7, and has, in each instance, submitted recommendations for legislation to improve the conditions found to exist and, in general, to promote safety of life at sea.

COMPLEMENTING SEAGOING VESSELS

The investigation of matters concerning ship's personnel has extended over a period of 2 years, and during that time there have been enacted several new laws having an important bearing on the subject. During the same period there has been marked unrest in maritime labor circles, so that it would seem at the present time the discipline and efficiency of the crews of our merchant vessels are worse than before the investigation.

Two of these laws are deserving of comment here.

PUBLIC, 808 (74TH CONG.)

Public, 808 (74th Cong.), approved June 25, 1936, was "An act to promote the welfare of American seamen in the merchant marine of the United States." It set forth the citizenship requirements for seamen serving on American ships, the issuance of "able seamen" certificates, "lifeboatman" certificates, certificate of service as "a qualified member of the engine department", and certificates of service for ratings other than as "able seaman" or "a qualified

member of the engine department." It also provided for the revocation of these certificates for cause. It provided for a three-watch system and an 8-hour day for men in the deck and engine departments on ocean-going and Great Lakes vessels. It provided for each seaman, on vessels of 100 gross tons or upward (except river craft), to be provided with a book to be known as a continuous discharge book. It also provided, among other things, for the inspection of the crew's quarters on each vessel at least once each month.

The provisions enumerated above were acceptable to the International Seamen's Union of America and to other interested groups at the time the law was enacted. But during the west-coast maritime strike of 1936 a condition developed where the strike, so far as seamen were concerned, was being directed against the continuous discharge book instead of for the purpose of obtaining better pay, better hours, or better working conditions. The seamen's union conducting this strike had ceased to be a part of the International Seamen's Unon and was, therefore, a law unto itself so far as organized labor was concerned. The strike against this statute continued and gained sufficient support to cause an amendment being passed by the Congress and approved by the President, on March 24, 1937 (Public, No. 25, 75th Cong.). This amendment made it optional with the seaman whether he should carry a continuous discharge book or a certificate of identification.

Also contained in this amendment (Public, No. 25, 75th Cong.) was a clause reading as follows:

"(g) Any person, partnership, company, or corporation who shall require any seaman employed or applying for employment to possess, produce, or carry a continuous discharge book, if and when such seaman possesses or carries an identification certificate, or to carry an identification certificate, if and when such seaman possesses and carries a continuous discharge book, or who shall exchange or give to any other person, partnership, company, or corporation information to cause discrimination against a seaman for electing to carry either an identification certificate or a continuous discharge book, or to prevent a seaman from obtaining employment on that account, shall be deemed guilty of a misdemeanor; and, on conviction thereof, shall be punishable by a fine of not more than $1,000 or imprisonment for not more than 1 year, at the discretion of the court."

This was intended to prohibit blacklisting, but there is clear evidence that certain of the labor organizations are blacklisting the men who continue to use the continuous discharge book. At the same time it appears that the majority of the men going to sea prefer the book and are well satisfied with it.

PUBLIC, NO. 835 (74TH CONG.)

Public, No. 835 (74th Cong.), known as the Merchant Marine Act, 1936, established the United States Maritime Commission and prescribed its duties. The following section of this statute has a direct bearing on the matter under investigation:

"SEC. 301. (a) The Commission is authorized and directed to investigate the employment and wage conditions in ocean-going shipping and, after making such investigation and after appropriate hearings, to incorporate in the contracts authorized under titles VI and VII of this act minimum-manning scales and minimum-wage scales and reasonable working conditions for all officers and crews employed on all types of vessels receiving an operating-differential subsidy. After such minimum manning and wage scales and working conditions shall have been adopted by the Commission, no change shall be made therein by the Commission except upon formal complaint, public notice of the hearing to be had on such complaint, and a hearing by the Commission of all interested parties, under such rules as the Commission shall prescribe. Every contractor receiving an operating-differential subsidy shall post and keep posted in a conspicuous place on each such vessel operated by such contractor a printed copy of the minimum manning and wage scales and working conditions prescribed by his contract and applicable to such vessel: *Provided, however*, That any increase in the operating expenses of the subsidized vessel occasioned by any change in the wage, manning scales, and working conditions as provided in this section shall be added to the operating-differential subsidy previously authorized for the vessel."

This section was necessary in order that there might be a definite agreement between the Maritime Commission and the contractor, who was to receive an operating-differential subsidy, as to the number of men to be employed on each ship and the wages the men were to receive. In no other way could a clear-cut operating-differential subsidy intended to establish parity of cost in operation be established.

As a matter of fact, it soon developed that if the Maritime Commission fixed the wages and working conditions for the ships receiving an operating-differential subsidy, all other ocean and coastwise shipping would have to follow the same rules. In consequence, successful collective bargaining would be out of the question except by aid of the Commission.

The injection of this problem into the already troubled maritime labor situation complicated matters considerably. It was but natural that one side would desire the Maritime Commission to fix the number of men to be employed, the wages, and the working conditions once for all, and the other side would desire no interference with any efforts that might be made, by strike or negotiation, to better wages and working conditions. Thus a part of this statute which was intended to make it possible for the Maritime Commission to decide in each case and write into the contract the payment involved by an operating-differential subsidy has resulted in considerable additional confusion in the maritime labor situation.

There appears to be no doubt that there is a group bent on getting control of the personnel on all ships of the American merchant marine, and the industry is the victim of the strife which results from the efforts of this new group to wrest control from the old-established unions. The shipowners and operators, by their procedure in the past and even in the present, have brought about much of the trouble and, too often, condone and accept conditions which are inimical to the best interest of the merchant marine.

PERSONNEL ADVISORY COMMITTEE

In order that proper study might be given to these personnel matters your committee considered it advisable to ask the assistance of certain qualified men to study and report upon the questions. Thereupon, on May 21, 1936, a Personnel Advisory Committee on Safety at Sea was formed, and the following agreed to serve:

Admiral Harry G. Hamlet, United States Coast Guard, chairman.

Representing seagoing personnel: Edward T. Pinchin, Masters, Mates, and Pilots; Paul Scharrenberg, International Seamen's Union; David E. Grange, Marine Cooks and Stewards; John Bley, Marine Firemen's, Oilers', and Watertenders' Union.

Representing shipowners and operators: Paul H. Harwood, Standard Oil Co. of New Jersey; Robert C. Lee, Moore & McCormack Co., Inc.; H. Harris Robson, United Fruit Co.; W. A. Kiggins, Jr., A. H. Bull & Co.

Representing the public: Howard C. Cullman, vice chairman, Port Authority of New York; Philip F. King, Sailor's Haven, Boston; Karl R. Miner, legal assistant, Senate investigating committee; C. S. Joyce, captain, United States Navy (retired), technical assistant, Senate investigating committee.

As will be noted, the first group was in a position to know the problems and desires of all branches of the seagoing personnel. The second group was in a position to know the problems of all classes of ship operators, as they represented subsidized lines and unsubsidized lines, as well as tankers, cargo carriers, and carriers of both passengers and cargo.

At the Personnel Advisory Committee's first meeting on May 21, 1936, the chairman of the subcommittee charged with making the investigation required by Senate Resolution 7 (Senator COPELAND) made the following statement:

"Under Senate Resolution 7, dated March 16, 1935, the Senate Committee on Commerce was directed to investigate the *Morro Castle* and *Mohawk* disasters. The Senate Committee on Commerce appointed a subcommittee consisting of Senators Fletcher, Sheppard, Johnson, White, and myself as chairman. This committee was authorized to study the methods and practices used in the complementing of seagoing ships and to report regarding the adequacy and efficiency of the Steamboat Inspection Service.

"During our committee investigation it has become increasingly clear that there are great difficulties in administering present laws; but it has also become clear that additional legislation is required to clarify the personnel situation.

"The manning of ships is an involved problem, demanding detailed study. This study must cover the following points:

"The fitness and efficiency of licensed officers; the fitness and efficiency of seamen; the number of officers and the size of crew required properly to man each vessel; the employment of seamen; and the working conditions of all personnel employed on board ship.

"To a certain extent, our present laws deal with these factors of sea safety. We must decide whether or not these laws are adequate. We must determine what additional legislation, if any, is necessary to guard the public welfare.

"The responsibility for administering the laws rests upon the Bureau of Navigation and Steamboat Inspection of the Department of Commerce. The determination of the fitness of the officers and crews rests with the Steamboat Inspection Service. The manning schedules are prepared by the Bureau. Employment of seamen is under the shipping commissioners, another branch of the Bureau of Navigation and Steamboat Inspection. The working conditions, to a certain extent, are also under the control of the Bureau. At least, its officials must be satisfied that the quarters on shipboard are adequate and satisfactory, and that the crew is sufficient in number to function properly within the required working hours.

"The shipping commissioners have under their jurisdiction a portion of the responsibility. The shipping articles record the rate of pay; but apparently there is no way under present organization to check up on the subsistence.

"There is available a considerable amount of information on all of these subjects; but each require a study and analysis in order that a satisfactory solution of many a problem may be reached.

"You gentlemen have been invited here to assist the Senate committee, primarily in connection with the questions involving personnel. In inviting you the committee had in mind assembling a group that would seriously consider the whole question and then recommend the best and most practicable legislation to fit our present needs. I am confident that each of you is prepared to approach the matter in a spirit of patriotism and to deal with it without prejudice.

"Perhaps I may suggest that a study be made of the following matters:

"1. The prevalent methods and practices in the complementing of seagoing vessels, including all conditions of employment. This study may be divided into five categories, as follows:

"(a) The methods of determining the fitness and efficiency of licensed officers.

"(b) The methods of determining and recording the fitness and efficiency of seamen and other members of the crew.

"(c) The adequacy of the manning schedules.

"(d) The methods of employing the members of the crew.

"(e) The working conditions, including hours of work, quarters, subsistence, and pay.

"2. The organization and adequacy of the Steamboat Inspection Service, especially as it deals with ships' personnel.

"I want it understood, in that connection, that this committee is as free as it can possibly be to pass judgment upon the Steamboat Inspection Service. If you have criticisms to offer, if you have suggestions to make as to the improvement of that Bureau, that is your duty. There is no one here in the Commerce Committee who desires to shield anybody. The committee desires to have perfect justice done, but you need not feel that you have to 'hold your punches', if you have any to make, because out of this investigation we hope to improve conditions so that there may be an assurance of greater safety at sea, and so that the public, itself, may be sure that there is safety at sea.

"It is desired that a study be made of all the duties which fall to the Bureau which may be summarized as follows:

"(a) The organization for determining the qualifications of all licensed officers.

"(b) The organization for determining and recording the qualifications of unlicensed personnel.

"(c) The organization for supplying crews for ships.

"(d) The organization for the inspection of ships, as to operation, drills, and efficiency of crews.

"All these matters have to do with personnel. Unless the Bureau has an adequate, suitable, and successful organization, it cannot carry out its present duties, and certainly it cannot cope with new ones which may be assigned to it.

"The Committee on Commerce is convinced that ship safety, both as to construction and operation, can only be attained when the proper Government department has the authority and responsibility of enforcing the laws covering operation of all merchant ships. This responsibility can neither be divided nor evaded. The organization itself and all governed by it must concede its responsibility and authority.

"You have been furnished with a tentative agenda. It is hoped that this will start you on your course. Your part, as I see it, is the formulation of legislation necessary for the better administration of all those things having to do with ship personnel.

"And then, from this committee and through Captain Joyce and myself, we shall make reports to the public of our activities. And we should prefer to have it done in that way if you do not mind.

"In the name of the Committee on Commerce, I thank you for the sacrifices you are making to do this work. The increased safety of the traveling public and of American seamen will be ample reward, I am sure."

The chairman then handed the committee the following agenda and asked them to be guided thereby:

"AGENDA FOR PERSONNEL ADVISORY COMMITTEE

"1. To make a study of the prevalent methods and practices in the complementing of seagoing vessels, including all conditions of employment, and particularly the following:

"(a) The methods of determining and recording the fitness and efficiency of licensed officers.

"(b) The methods of determining and recording the fitness and efficiency of seamen and other members of the crew.

"(d) Manning schedules.

"(e) Working conditions, including hours of work, quarters, subsistence, and pay.

"2. To make a study of the adequacy and efficiency of the steamboat inspection service and the shipping commissioners' service, and particularly the following:

"(a) The organization for determining the fitness and efficiency of licensed officers.

"(b) The organization for determining and recording the fitness and efficiency of seamen and other members of the crew.

"(c) The method of organization for making up manning schedules.

"(d) The organization for supplying crews to ships.

"(e) The organization for the inspection of ships as to their operation, drills, and efficiency of the crews.

"3. To present a summary of these studies, together with suggestions for necessary legislation."

The Advisory Committee proceeded at once to deal with its problems. We owe its members a debt of gratitude for unfailing devotion to its duties.

Herewith is the latest report of that committee. It tells its own story.

ROYAL S. COPELAND, *Chairman.*
MORRIS SHEPPARD.
WALLACE H. WHITE, Jr.

Mr. COPELAND. I also ask consent to introduce two bills, for reference to the Committee on Commerce, to carry out the recommendations of the report.

The VICE PRESIDENT. Without objection, the bills will be received and referred as requested by the Senator from New York.

The bill (S. 2958) to establish a fleet auxiliary reserve in the Coast Guard for the training of merchant marine officers and seamen, and for other purposes; and

The bill (S. 2959) to regulate the issuance of licenses to officers of the merchant marine, to define the duties of shipping commissioners, to establish in the Coast Guard special training for seamen for the merchant marine, and for other purposes, were each read twice by their titles and referred to the Committee on Commerce.

ENROLLED BILL PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on August 10, 1937, that committee presented to the President of the United States the enrolled bill (S. 1160) for the relief of Troup Miller and Harvey D. Higley.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMATHERS:

A bill (S. 2952) conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Bolinross Chemical Co., Inc.; to the Committee on Claims.

By Mr. MURRAY:

A bill (S. 2953) to provide a measure of damages for trespass involving timber and other forest products upon lands of the United States; to the Committee on Public Lands and Surveys.

By Mr. JOHNSON of California:

A bill (S. 2954) relating to the retired pay of officers, warrant officers, members of the Nurse Corps, and enlisted men of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; to the Committee on Military Affairs.

By Mr. GUFFEY:

A bill (S. 2955) to extend the times for commencing and completing the construction of a bridge across the Delaware River between the village of Barryville, N. Y., and the village of Shohola, Pa.; to the Committee on Commerce.

By Mr. CAPPER:

A bill (S. 2956) for the relief of Orville D. Davis (with accompanying papers); to the Committee on Claims.

By Mr. ASHURST (by request):

A bill (S. 2957) to amend section 224 of the Criminal Code so as to penalize the making of false claims for the loss of insured mail matter; to the Committee on the Judiciary.

(Mr. COPELAND introduced Senate bills 2958 and 2959, which were referred to the Committee on Commerce, and appear under a separate heading.)

By Mrs. CARAWAY:

A joint resolution (S. J. Res. 206) to authorize the painting of the painting "The Signing of the Constitution", for placement in the Capitol building; to the Committee on the Library.

SUGAR QUOTAS AND TAXES—AMENDMENT

Mr. BROWN of Michigan submitted an amendment intended to be proposed by him to the bill (H. R. 7667) to regulate commerce among the several States, with the Territories and possessions of the United States, and with foreign countries; to protect the welfare of consumers of sugars and of those engaged in the domestic sugar-producing industry; to promote the export trade of the United States; to raise revenue; and for other purposes, which was ordered to lie on the table and to be printed.

INVESTIGATION OF MUNITIONS INDUSTRY—LIMIT OF EXPENSE

Mr. NYE submitted the following resolution (S. Res. 176), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the special committee appointed by the Vice President pursuant to resolution 206, agreed to April 12, 1934, to investigate the munitions industry, hereby is authorized to expend from the contingent fund of the Senate $754.64 in addition to the amounts heretofore authorized to be expended for the purposes set forth in said resolution.

LEASE OF DESTROYERS TO SOUTH AMERICAN COUNTRIES

Mr. DAVIS. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Committee on Foreign Affairs an editorial in this morning's Washington Post entitled "Rented Warships." I do not understand all of the implications involved in this proposal but believe it is sufficiently important to receive the serious study of the committee. I think explanation should be found for the fact that one nation above others is singled out for the proposed leasing of obsolete destroyers by the United States. Is this program a part of the general policy of the administration in foreign affairs to break down our trade protection, involve us in foreign complications, and make our Nation a partner to international rivalries?

There being no objection, the editorial was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

RENTED WARSHIPS

The proposal to lease obsolete destroyers to Latin-American countries raises some fundamental questions of foreign policy. Evidently the Department of State is sincerely trying to be helpful to the Brazilian Government. But in doing so, it has become involved in a tangle of implications not entirely compatible either with the good neighbor policy or with the traditional American attitude toward arrangements which smack of military alliance.

Argentina is plainly annoyed by the project. Possibly the Argentine Government places too much importance upon the seeming favoritism to Brazil. Under the agreement the six destroyers designated for that country would be used only for training purposes. The Department of State emphasizes, also, the general nature of the offer. Yet the fact remains that the policy was adopted for the specific benefit of a single Latin-American power. "I would urge again", said Secretary Hull at Buenos Aires last December, "the wisdom of avoiding discrimination in our commercial policy." Why not in our diplomacy, too?

If the proposal is to be considered on its general merits, various other questions arise. The United States has 158 overage destroyers which are kept in condition as a reserve force. The Navy would use them in case of emergency. Brazil wants only six. Presumably the others would be available to Latin-American countries for a general strengthening of their naval forces, and their incipient naval rivalries.

The Department of State likes to claim credit for this country as a leader in the movement for world disarmament. It will be harder to do so effectively if we are now to pursue a policy of encouraging naval expansion among countries that heretofore have wasted very little of their substance in building up fighting squadrons.

That unpleasant aspect of the destroyer-leasing policy is not eliminated by the fact that these ships would be used primarily for training purposes. Training for combat is a vital part of any armament program. Moreover, it is difficult to see how the United States could retrieve the leased destroyers in case the lessee went to war. No country will give up any advantage it may have when hostilities once break out. In event of such a war, the United States would have to choose between retaking its vessels by force and showing favoritism between the belligerents.

It is suggested that Brazil needs additional naval strength to protect her coast from foreign aggression and as a safeguard against possible revolution. But if Brazil is really in danger of attack, the agreement reached at Buenos Aires last December should call for consultation among the American republics and possibly joint action. In no circumstances would it be the responsibility of the United States, acting alone, to fortify Brazil against either internal or external strife. To do so is to go a long way toward forming an alliance with the present Brazilian Government.

Secretary Hull insists that the proposal would not violate the London Naval Treaty of 1936, forbidding signatories to sell or transfer war vessels to any foreign navy. Each lease would contain a "recapture clause" permitting the United States to recall the ships at any time. Whether or not that would satisfy the literal requirements of the treaty, its effect upon its spirit would clearly be destructive. For the treaty stipulates that signatories shall not "by gift, sale, or any mode of transfer" dispose of warships for service "in any foreign navy."

ECONOMIC DIVISION OF FEDERAL TRADE COMMISSION

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a letter addressed to him by Mrs. John Boyle, of Washington, D. C., in reference to the Economic Division of the Federal Trade Commission, which appears in the Appendix.]

WORK ON THE BONNEVILLE PROJECT—CONFERENCE REPORT

Mr. COPELAND submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7642) to authorize the completion, maintenance, and operation of Bonneville project for navigation, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with two amendments as follows:

In section 2 (a) of the amendment in the 22nd line of this section, strike out "administrator is authorized and empowered to direct and require the" and in line 24 strike out the word "to" and insert "shall", so as to make the sentence read "The Secretary of War shall install and maintain additional machinery, equipment, and facilities for the generation of electric energy at the Bonneville project when in the judgment of the administrator such additional generating facilities are desirable to meet actual or potential market requirements for such electric energy."

At the end of section 11 of the amendment, strike out the period, insert a comma, and add the words "including installation of equipment and machinery for the generation of electric energy and facilities for its transmission and sale."

And the Senate agree to the same.

ROYAL S. COPELAND,
CHAS. L. MCNARY,
MORRIS SHEPPARD,
Managers on the part of the Senate.
J. J. MANSFIELD,
RENÉ L. DEROUEN,
GEORGE N. SEGER,
ALBERT E. CARTER,
Managers on the part of the House.

The report was agreed to.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The VICE PRESIDENT. The question is on the motion of the Senator from New York [Mr. WAGNER] to proceed to the consideration of House bill 1507, known as the anti-lynching bill.

Mr. WAGNER. Mr. President, on my motion I ask for the yeas and nays.

Mr. CONNALLY. Mr. President, the Senator from Idaho yesterday outlined in splendid fashion the position of those who do not believe that at this time we should disrupt the legislative program by taking up this very controversial measure. As all Senators know a rather long legislative program is yet to be considered by the Senate and the House. One of the measures on the program is the sugar bill which has been before the Congress for a considerable period. Another measure of great importance, with which it seems now the Congress will probably have to deal, is the farm-relief measure. Another bill awaiting hearings is the revenue measure.

Mr. BORAH. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state the point of order.

Mr. BORAH. I make the point of order that the Senate is not in order.

The VICE PRESIDENT. The point of order is well taken. The Chair has called for order several times, but it seems that Senators have to go through regular routine conversations on the floor of the Senate. The Chair asks that Senators desiring to converse will retire to the cloakroom and accommodate the Senator from Texas, who desires to be heard.

Mr. CONNALLY. Mr. President, I thank the Senator from Idaho and I thank the Vice President; but, frankly, the Senator from Texas feels that it is his own fault. If he is not able to interest Senators in the matter under discussion, he does not expect to ask the charity of the Senator from Idaho, although it is well meant, or the power of the Chair in preserving order. The trouble about this bill is that some Senators do not want to hear about it; do not want to hear discussed the constitutional issues involved.

The Senator from New York [Mr. WAGNER] is willing to tie up the legislative program of the session in order to inject the measure and thereby create endless discussion, create embarrassment for the President of the United States, who wants to put over his legislative program, create embarrassment for the leadership of the Senate, simply for the purpose of bringing forth one of the Senator's pet measures.

Mr. President, we shall soon celebrate the one hundred and fiftieth anniversary of the adoption of the Constitution of the United States. In May 1787 there gathered at Philadelphia the greatest body of statesmen, publicists, lawyers, patriots, according to their number, that has ever been

assembled on this planet of ours. When their labors were concluded on September 17, 1787, they gave to 13 theretofore independent sovereignties a framework of government known as the Constitution of the United States, a framework of government which a great foreigner once described as being "the greatest work ever struck off at a given time by the brain and purpose of man." While that was a noble tribute, it was not exactly an accurate tribute, because the Constitution of the United States was not struck off at a given time but was simply the accumulation and the culmination of constitutional development in the Colonies and the States over a long period of years.

In that Convention sat George Washington, late Commander in Chief of the Continental Army. There also sat Alexander Hamilton, a captain on Washington's staff and a gallant continental soldier, who, though born in a foreign land, brought to his adopted country an intellect which probably has never been surpassed in the history of the United States and a vision of the development of the Constitution and republican institutions which has not been surpassed even by the author of the bill now under discussion.

Mr. President, in that Convention also sat Benjamin Franklin, wise old man. I would that we could summon back to this Chamber today some of the wisdom of Benjamin Franklin; and if we might, this bill would not now be before us. I wish we could bring back to this Chamber some of the far-sightedness of Elbridge Gerry, of Massachusetts, and of Roger Sherman, that old Connecticut shoemaker who helped fashion the fundamentals upon which this Government rests. I wish we might bring back to this Chamber today the brilliance of Charles Pinckney, of South Carolina, in order that he might counsel those who, spurred on by a thirst for partisan political advantage, are willing to do violence to the great instrument that emerged from the Constitutional Convention of 1787.

Mr. President, that Constitution recognized the sovereignty of the then 13 States. Its problem was to preserve that sovereignty and yet give to the Federal Government only those limited powers which were necessary to attain national unity and to carry on those functions essential and requisite to the establishment of a Federal Government.

Under that system, Mr. President, the prosecution of all domestic crimes in violation of the police power was left entirely within each State. The regulation of all domestic concerns that do not cross State lines, that do not pertain to national sovereignty, that do not relate to the conduct of foreign affairs, that do not affect the maintenance of an army or a navy—is still within the exclusive jurisdiction of State authority. But the proponents of this bill say that on account of the adoption of the fourteenth amendment to the Constitution there was taken away from the States jurisdiction to control so-called lynching.

Mr. President, I desire to say to the Senator from New York [Mr. WAGNER] that the Senator from Texas is as much opposed to lynching as ever could be the Senator from New York. The Senator from Texas is opposed to murder by one man or by a group of citizens. He is opposed to murder, whether it be committed on Broadway in New York or on an isolated farm down in the Commonwealth which I have the honor in part to represent in this body. The Senator from Texas is as much opposed to lawlessness as is the Senator from New York, wherever that lawlessness may occur; but I assert here today that there is no warrant in the fourteenth amendment to the Constitution, nor is there any warrant in any other portion of the Constitution of the United States, for the enactment of the measure which is proposed here by the Senator from New York.

Mr. President, what is the history of the fourteenth amendment?

After the Civil War, with all of its tragedy and with all of its blood and with all of its ruin, had left the South prostrate and broken, State legislatures in various parts of the South had undertaken legislation with relation to the lately enfranchised colored race. So when the fourteenth amendment was adopted it was directed at State action, at State statutes, at State policies; and the debates in the Congress when the fourteenth amendment was pending here, when the fourteenth amendment was originally submitted to the States, reveal that it was directed at State statutes and State action and never comprehended direct Federal jurisdiction over individual citizens within the States. Therefore the amendment was so framed as to limit it to State action.

I should like to read the fourteenth amendment. I should like to have Senators know the basis upon which the Senator from New York undertakes to erect this new statute of his.

Section 1 of the fourteenth amendment:

All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside.

Is there anything there that authorizes legislation of this character? The first part of the amendment simply declares that all persons either born in the United States or naturalized in the United States, and subject to its jurisdiction, are citizens of the United States. But it is said that in the remainder of the amendment may be found authority for this bill. What does it say?

No State—

Nothing about individuals; nothing about the neglect of sheriffs; nothing about the indifference of constables.

No State—

Shall do what?—

No State shall make or enforce any law—

"Any law"; it must be a law—

which shall abridge the privileges or immunities of citizens of the United States; nor shall any State—

Not an individual, not a corporation, not an association of persons, but—

nor shall any State—

Acting as a State; not a fiction, not an imaginary State, but a real State, acting as a State—

deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

So, Mr. President, as was so clearly and ably demonstrated by the great Senator from Idaho [Mr. BORAH] on yesterday, the fourteenth amendment is leveled and directed at State action and State action alone. If a State enacts a law which discriminates between citizens on the ground of race or color or religion or any other artificial test, the law falls, because it transgresses the Constitution of the United States; but unless the State as such transgresses the fourteenth amendment, individuals are not brought within the scope of Federal power but must be under the jurisdiction of the State police power.

So, Mr. President, the Supreme Court of the United States has repeatedly and frequently upheld and maintained that statement. The Senator from Idaho on yesterday cited the Senate to the case of Harris against the United States. The Supreme Court there held that a Federal statute directed against public assemblages of a certain number of persons who would go out on the public highway and molest or interfere with citizens of the United States was invalid, and why? The Court held that the statute was invalid because it was not authorized under the fourteenth amendment, since the statute was directed at individuals and was not directed at State action, and that since the State had enacted no law, since the State as a sovereign had done nothing to transgress the fourteenth amendment the statute was void.

Mr. President, there are many other cases which have been passed upon by the Supreme Court. I desire to quote to some Senators some of the debate when the amendment was originally submitted to the Congress. I direct the attention of

the Senator from Pennsylvania [Mr. GUFFEY] to the remarks of Mr. Thaddeus Stevens, of Pennsylvania. I want to say that the zeal of Mr. Stevens in behalf of the colored race was great, but perhaps not as great as that of the Senator from New York [Mr. WAGNER].

Mr. Stevens, in reporting from the Committee on Reconstruction the first section containing the equal-protection clause, used the language which I am now about to read, and I now invoke it here. Strange to say, on the floor of the United States Senate I invoke the shade of Thaddeus Stevens, bitter partisan that he was, hater of the section from which I come, frenzied by passion—I invoke his spirit to come back now and speak a word of caution to the wild passions of some Senators on this floor.

Here is what Mr. Stevens said:

The Constitution limits only the action of Congress, and is not a limitation on the States. This amendment supplies that defect and allows Congress to correct—

What? To correct the action of individuals? Oh, no! To subject private individuals to prosecution in Federal courts? Oh, no!—

supplies that defect and allows Congress to correct the unjust legislation of the States—

That is the language of Thaddeus Stevens—

so far that the law which operates upon one man shall operate equally upon all. Whatever law punishes a white man for a crime shall punish the black man precisely in the same way and to the same degree.

Mr. President, those are the words of the author of this amendment. Thaddeus Stevens never dreamed that the fourteenth amendment would be so stretched or so contorted or so mutilated as ever to furnish the excuse for legislation directed at individuals. But Mr. Stevens pointed out, and he pointed out clearly, that what the fourteenth amendment proposed was to afford Congress the power of negativing State laws, enacted by the legislature and approved by the Governor, which undertook to discriminate between the races or between any other classes of American citizens. That was the limit of it. That was the limit of the fourteenth amendment when Mr. Thaddeus Stevens proposed it, and that has been the limit of the fourteenth amendment until this good hour.

Mr. President, I should like to quote James G. Blaine. There was a time in this Republic when the silvery voice and the waving plume of James G. Blaine had their followers. There was a time when the voice of that great statesman from Maine was heeded. What did he say as to the purpose of the fourteenth amendment? He was a Member of Congress when the fourteenth amendment was proposed. In his Twenty Years of Congress he clearly expressed his view of the purpose and the scope of the amendment. I should like to have the Senator from New York listen to the words of James G. Blaine.

Of course, Blaine is dead. Of course, Blaine is not involved in the campaign to get votes at the present time. Of course, Blaine is not engaged in a rivalry as to who can show the greatest zeal, not for all American citizens, but for a certain group of American citizens.

Mr. President, I do not propose to discriminate between citizens of the United States. Every citizen, whether he be black or yellow or white, according to the view of the Senator from Texas, is entitled to the same legal and constitutional rights. I respect men of all colors, but I have never yet come to the point where I love other colors more than I do my own. So when there is discrimination by legislation such as that proposed now it is a fraud on its face. It is theoretically directed to equality, and to the maintenance of absolute equality under the law, but its real purpose, its real design, is to select a certain group and give to it and to it alone rights and privileges which are denied to other citizens.

Mr. President, what did James G. Blaine say about this question? In his Twenty Years of Congress, he clearly expressed his view of the purpose and scope of the fourteenth amendment. Let me read his words regarding the fourteenth and fifteenth amendments. This is Mr. Blaine speaking. These are not the words of the Senator from Texas, or of the Senator from New York; this is the declaration of one who was present when the fourteenth amendment was born. He was one of the midwives who delivered it, and he ought to know something about what the fourteenth amendment meant. This is what he said, speaking of the fourteenth and fifteenth amendments:

Both of those amendments operate as inhibitions upon the power of the State—

Nothing about individuals—

upon the power of the State, and do not have reference to those irregular acts of the people which find no authorization in the public statutes.

Could there be a clearer denial of the jurisdiction of Congress to enact this proposed law? Mr. Blaine says that the fourteenth amendment was directed at State action. He said the amendments—

Operate as inhibitions upon the power of the State and do not have reference to those irregular acts of the people which find no authorization in the public statutes.

What was he talking about? Senators, he was talking about the very thing the Senator from New York has in mind, those irregular acts of citizens, those acts of private citizens, outside the State law; those acts of gangsters on Broadway; those infrequent acts of people in my section, so-called mobs. That is what Mr. Blaine had in mind when he said that those amendments—

Operate as inhibitions upon the power of the State and do not have reference to those irregular acts of the people which find no authorization in the public statutes.

As was so clearly pointed out by the Senator from Idaho [Mr. BORAH] yesterday, unless the so-called infringement of the fourteenth amendment is some affirmative act by the State as such, the fourteenth amendment has no application. Mr. Blaine said that was true, Mr. Thaddeus Stevens said that was true, but the Senator from New York says it is not true.

What else did Mr. Blaine say? I want to reiterate that Mr. Blaine was in Congress when the amendment was submitted. He voted for it. He voted for it because he favored it. He voted for it because he wanted to inhibit State action. He voted for it because he did not want to go any further than to inhibit State action. This is what he said further:

The defect in both amendments, insofar as their main object of securing rights to the colored man is involved, lies in the fact that they don't operate directly upon the people.

Could there be anything clearer than that—"that they do not operate directly upon the people." The Senator from New York says they do. Mr. Blaine, who helped write the amendments, and who supported them, and who aided in their submission, says they do not.

I quote Mr. Blaine further. I was hoping that the Senator from New York [Mr. WAGNER] would listen to what Mr. Blaine had to say. I do not suppose the Senator cares, though. I do not suppose he cares what Blaine, who helped write the fourteenth amendment, said it meant. I do not suppose he is concerned with what Mr. Thaddeus Stevens, who was the author of the amendment, said it meant. I do not suppose the Senator from New York is concerned with the report of the committee on reconstruction, which reported the fourteenth amendment and secured its submission to the States. He seems to be indifferent to those things. I can understand his necessity. I know something of the spur that is whipping him on. I sympathize greatly with the Senator from New York. But this is what Mr. James G. Blaine said further:

And therefore Congress is not endowed with the pertinent and applicable power to give redress.

Could there be a more scintillating statement as to the compass and scope of the fourteenth amendment? It operates only on the State and State action, and does not affect

individuals, and Blaine says that under it Congress has no power to enact legislation such as that proposed.

Mr. President, in the Slaughter House cases, with which all Senators who are lawyers are familiar, the fourteenth amendment was first most exhaustively considered and construed by the Supreme Court.

What did the Supreme Court hold in those cases? In those cases it was sought to overturn an act of the State of Louisiana and administrative acts thereunder seeking to regulate slaughterhouses near the city of New Orleans. It was strongly urged in those cases that such acts discriminated against certain citizens theretofore engaged in such business, and therefore were violative of the fourteenth amendment. The decision of the Court—one of the really great decisions—in part, reads as follows. Mr. President, this is the Supreme Court speaking—not during a political campaign. Thank God, the Court does not have to run for office! This is the Supreme Court speaking, and it is not involved either in a municipal or senatorial campaign, but speaking under its solemn duty, under the Constitution, to interpret and rule under the law, and nothing but the law. The Justices of the Supreme Court with uplifted hands had sworn to support the Constitution of the United States. That Court was under no pressure when it handed down this decision. It was being spurred on by no effort to corral a certain group of voters. It had no throbbing ambition to get a corner on certain voters. Here is what the Supreme Court said:

> Was it the purpose of the fourteenth amendment by the simple declaration that no State shall make or enforce any law which shall abridge the privileges and immunities of the citizens of the United States [I will add, "Nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the law"].

Listen, now! This is the Court speaking:

> Was it the purpose of the fourteenth amendment * * * to transfer the security and protection of all the civil rights which we have mentioned from the States to the Federal Government?

This is the Court speaking—

> And where it is declared that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States?

The Supreme Court of the United States said that the fourteenth amendment did not bring the civil rights within Federal jurisdiction, but that they remained within the States where the Constitution put them in 1787, or rather, where the Constitution recognized and maintained them, because they existed theretofore.

The Supreme Court in the Slaughter House cases further said:

> All this and more must follow if the proposition of the plaintiff be sound.
>
> For not only are these rights subject to the control of Congress whenever in its discretion any of them are supposed to be abridged by State legislation, but that body may also pass laws in advance limiting and restricting the exercise of power by the States in their most ordinary and usual functions, as in its judgment it may think proper on all such subjects, and still further, such construction would constitute this Court a perpetual censor upon all legislation of the States on the civil rights of their own citizens, with authority to nullify such as it did not approve, as consistent with those rights as existed at the time of the adoption of this amendment. The argument, we admit, is not always the most conclusive which is drawn from the consequences urged against the adoption of a particular construction of an instrument. But when, as in the case before us, these consequences are so serious, so far-reaching and pervading, so great a departure from the structure and spirit of our institutions, when the effect is to fetter and degrade—

I should like to have the attention of Senators. I should like to have the attention of the Senator from New York [Mr. WAGNER]. The Supreme Court further said:

> When the effect is to fetter and degrade the State governments by subjecting them to the control of Congress in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character, when in fact it radically changes the whole theory of the relations of the State and Federal Governments to each other and of both these governments to the people, the argument has a force that is irresistible in the absence of language which expresses such a purpose too clearly to admit of doubt.

I see that the Senator from South Carolina [Mr. SMITH] has returned to the Chamber. The Senator and his great committee are now considering the tremendously important question of a farm-relief bill which this Congress may enact at the present session, but the Senator from New York has injected his motion, to disrupt and impede and to hinder the consideration of the whole useful legislative program at this session. He does it without consulting the leader on this side. The senior Senator from Kentucky [Mr. BARKLEY] is the representative on this floor not alone of the Democrats of this body but of the Democratic administration, and it does seem to me that if the Senator from New York is in harmony with the purposes of this administration, if he enjoys as much confidence as he is reputed to enjoy at the White House, he would not without consulting the leader on this side undertake to take charge of the Senate program and inject his own personal desires above the welfare of the party and of the administration. That is the inescapable conclusion arising from the action which he demonstrated here yesterday and today.

Let me say to the Senator from South Carolina [Mr. SMITH] that I hope his committee reports out a farm-relief bill. As a representative of one of the great agricultural States of this Union I hope it will not be necessary, but the Senator from Texas is willing to remain here until the 1st day of January, if need be, to complete this legislative program. We shall not have to stay here until January, however, unless the Senator from New York persists in throwing this monkey wrench into the administration machinery.

Mr. President, I was discussing the decisions of the Supreme Court on the scope and meaning of the fourteenth amendment. Here is what the Supreme Court says, furthermore, talking about personal rights:

> It would be the vainest show of learning to prove by citation of authority—

That is true today. It is only a show of learning on the part of the Senator from Idaho [Mr. BORAH] to cite Supreme Court decisions. It is only a vain display of profound legal knowledge and construction to cite the Constitution to the Senator from New York, or to cite the decisions of the Supreme Court to the Senator from New York, when on the one hand there is the Constitution and the Supreme Court decisions and on the other hand the desire to corral a little bunch of votes. My God, what a decision! What a great problem! Here on the one hand is our duty to the Constitution. Here on the one hand is our duty to respect the decisions of the Supreme Court. But on the other is a thirst and a craving to corral a certain little segment of voters.

Mr. President, the Constitution of the United States was bought by the blood of our forefathers. The Declaration of Independence was but the opening door to the final culmination of their aims and their ambitions in the Constitution of the United States. Every drop of blood that was shed, from the time the first shot was fired yonder at Concord, at the bridge, until the Battle of Yorktown, was shed in behalf of realizing and putting into permament form what was finally enacted into the Constitution of the United States. Eight long years of warfare took place. We have had 150 years of glory under the Constitution!

We have had 150 years of national advancement and national development which has left America's record during that century and one-half unrivaled in all of the days of recorded history.

That Constitution is on one side in this scale. Its construction by the Supreme Court is as clear as language can make it in every decision that the Senator from Texas has been able to find. On the other hand, is this little desire to prove a loyalty and a devotion to a certain little group above and beyond a devotion to all of the people of the United States and so the decision must be made.

For myself, I shall take the Constitution of the United States and the decisions of the Supreme Court to guide my

actions in this Chamber, and also when I leave it, if I have to leave it, because of my devotion to its principles.

Mr. President, I would rather go back home and practice law in the justice of the peace court there—and I can. That is one court I know. [Laughter.] I would rather go back home and practice law in the justice of the peace court than, for the sake of getting a few votes, advocate a measure that violates the Constitution and is in direct conflict with the unchanged line of decisions of the Supreme Court of the United States. Those who want to make that choice, let them make it, and I hope that their new-found associates and their new-found brothers will detest the association as much as I detest it.

Mr. President, as I was suggesting a moment ago, the Supreme Court said further in the Slaughter House cases:

It would be the vainest show of learning to prove by citation of authority that up to the adoption of the recent amendments—thirteenth, fourteenth, and fifteenth—no claim was set up that those rights depended on the Federal Government for their existence or protection beyond very expressed limitations which the Federal Constitution imposed on the States, such, for instance, as the prohibition against ex-post-facto laws, bills of attainder, and laws impairing the obligation of contracts. But, with the exception of these and a few other restrictions, the entire domain of privileges of citizens of the States, as above defined, lay within the constitutional and legislative powers of the States and without that of the Federal Government.

Mr. President, how could language be clearer; how could meaning be plainer; how could the import of words stand out in sharper outline than in these pronouncements of the Supreme Court of the United States?

We had in reconstruction times a Federal statute known as the Civil Rights Bill. I am sure that if the Senator from New York had been here when that bill was passed he would have voted for it. The Civil Rights Bill provided that any American who denied equal privileges in hotels, boarding houses, theaters, public conveyances, and public amusements to any other American citizen because of his race or color was guilty of a penal offense. What happened to that act? The Supreme Court of the United States—a republican court, an honest court, a brave court, a courageous court, a patriotic court, a court that respected its oath to uphold the Constitution, a court that respected its duty to the people of the United States—held that that act of Congress was unconstitutional. The act is still on the statute books, and all in the world that would have to be done to revive it would be for the Supreme Court now to overrule its previous decision. It has just been lying there forgotten, not enforced. Here is what the Supreme Court said in that case:

It is a State action and of a particular character that is prohibited.

That is under the fourteenth amendment.

State action, not failure to do something. What is action? The Senator from Indiana [Mr. MINTON] on yesterday said if a police officer or anybody just happened to be present and did not do something or was indifferent that he would be guilty. What is action? Action is something affirmative. The State must do something to deny the rights of citizens under the fourteenth amendment.

It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject matter of the amendment.

That is the Supreme Court speaking. Individual invasion of individual rights is not within the scope of the fourteenth amendment.

What does this bill deal with? This bill deals only with individual invasion of individual rights. It does not say anything about State action. It does not lay any prohibition on State action. It is directed at individuals who may compose a mob. It is directed at State officers who may, as it is stated, fail to protect a man within their custody. But the Supreme Court says, referring to the fourteenth amendment that—

Individual invasion of individual rights is not the subject matter of the [fourteenth] amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation and State action of every kind which impairs the privileges and immunities of citizens of the United States or which injures them in life, liberty, or property without due process of law, or which denies to any of them the equal protection of the law.

In other words, here the Court again without any hesitation, without any equivocation, without any backing and filling, without any dodging, without any straddling, without any desire to catch the popular ear, without the exigencies of a political campaign—here the Supreme Court again and again and again declares that individual invasion of personal rights is not within the fourteenth amendment.

To adopt appropriate legislation for correcting the effects of such prohibited State laws—

The Supreme Court says that the fourteenth amendment is directed at State laws and State action. No State can pass a law that impairs the right of a citizen of the United States. It must be State action and not individual action.

To adopt appropriate legislation for correcting the effects of such prohibited State laws and State acts, and thus to render them ineffectual, null, void, and innocuous. This is the legislative power conferred upon the Congress, and this is the whole of it.

Says the Supreme Court, under the fourteenth amendment all that the Congress can do is to nullify State legislation or State acts which may impair the rights of citizens of the United States.

This is the legislative power conferred upon the Congress and this is the whole of it.

In other words, there is nothing else. Whenever the Congress exercises its power to nullify State acts and State legislation, it exhausts its power under the fourteenth amendment and it has no other jurisdiction. The Supreme Court says that it has then gone to the very extreme boundaries of its authority. Yet the Senator from New York wants to explore unknown regions of jurisdiction. With the courage of a crusader or of a Christopher Columbus, he wants to go out and discover untrodden pathways in legislative fields far beyond the safe boundaries of the Constitution, over the precipice into chaos, anywhere that it may extend beyond the constitutional authority.

Mr. President, there are innumerable decisions of the Supreme Court to which I should very much like to direct the attention of those Senators who are interested in the Constitution—and I am happy to say that I think most Senators in this body are interested in the Constitution, and most of them are interested in maintaining it, although some of them apparently would like to dodge it or get around it.

Mr. President, I want to quote further from the Supreme Court, if there is no objection. Here is what the Supreme Court of the United States says in the Civil Rights cases:

It is absurd to affirm that because the rights of life, liberty, and property (which includes all civil rights that men have) are by the amendment sought to be protected against invasion on the part of the States without due process of law, Congress may therefore provide due process of law for their vindication in every case.

The Supreme Court says it is absurd. The Senator from New York says it is wonderful and delightful and ought to be adopted by the Congress. The Supreme Court said it is absurd to assume that Congress has the power to go in and look after all the civil rights of the citizens within the States.

Where do they get those rights? They do not get them from the United States; they do not get them from the Constitution. The ordinary civil and personal rights of individuals who live within the States are derived by them, if they get them anywhere, except those that are inherent in a free government, from the State authority. Mr. President, they had those rights before the Battle of Lexington; they had those rights before the Declaration of Independence; they had those rights before the Constitution of the United States was adopted. They had them because they were free citizens within free commonwealths, 13 of them. And when the Constitution of the United States was adopted they still retained every right they ever possessed, except those expressly delegated to the Federal jurisdiction. This

was not one of them, and the Supreme Court repeatedly and repeatedly has said the same thing. The Supreme Court says it is absurd to affirm, absurd even to affirm it, to say nothing of maintaining it—that because the denial by a State to any persons of equal protection of the laws is prohibited by the amendment, therefore Congress may establish laws for their equal protection.

Here again the Supreme Court assaults this bill amidships. It attacks it in front and by flank and in the rear. The Supreme Court absolutely destroys this measure or it will destroy it if it ever gets by the Congress. The Supreme Court will destroy it. But, Senators, there are those who think that Congress should not consider the constitutionality of an act when it is voted upon, but that we should leave that to the Supreme Court. I do not agree with that doctrine. We are under the same obligation as the Supreme Court to maintain the Constitution of the United States. We took an oath to uphold and defend it and protect it. When we examine a measure in the House of Representatives or in the Senate, it is just as much the duty and obligation of a Representative or a Senator, when he thinks a bill is unconstitutional, to vote against it as it is for a judge on the bench to hold it is beyond the power of Congress to enact it into law.

The other doctrine is a cowardly doctrine. The doctrine of saying, "We shall vote for it and let the Court pass upon its constitutionality" is a cowardly doctrine. It is a doctrine that shirks and dodges and undertakes to evade the solemn responsibility which rests upon every Senator and every Representative in the Congress of the United States.

It is our duty to be guided by that standard and when we are convinced that a bill is beyond the power of Congress and then vote for it, we are violating our obligation and our duty. I do not mean to say that if a Senator or a Representative is in doubt about the matter he is not free to act and he violates no obligation, but where he is clearly convinced that it is beyond the constitutional power of the Congress and then votes for it anyway, he is untrue to the obligations of his office.

The Supreme Court said the Federal Government has no power to go out and devise schemes of taking care of individual civil rights within the States. Speaking of civil rights legislation the Supreme Court said:

> If this legislation is appropriate for enforcing the prohibitions of the amendment, it is difficult to see where it is to stop. Why may not Congress with equal show of authority enact a code of laws for the enforcement and vindication of all rights of life, liberty, and property?

That might have been said of this very bill. The Supreme Court no doubt was looking into the future. The Supreme Court no doubt was undertaking to envisage just where that kind of doctrine would lead us. It probably saw the shadowy outline of the figure of the Senator from New York [Mr. WAGNER] advancing with the bill in one hand and some ballots in the other hand, because here is what the Court said:

> If this legislation is appropriate for enforcing the prohibitions of the amendment, it is difficult to see where it is to stop. Why may not Congress with equal show of authority enact a code of laws for the enforcement and vindication of all rights of life, liberty, and property?

I digress to discuss that statement briefly. The distinguished Senator from Idaho [Mr. BORAH] yesterday pointed out that very aspect of the matter. If the Federal Government may go into a State to regulate State officers in the performance of their functions under State laws, if it may say to them, "We, the Federal Government, will supervise you in the discharge of your State functions and your State duties as to murder", why may it not also go into the States and regulate theft, regulate highway robbery, and every other matter that affects either the life, liberty, or property of the citizen? There is no answer to it.

Every right which we possess comes within the fourteenth amendment if this one does. Every right of property, every right that I possess in my pocketknife, every right that I possess in my personal belongings, every right that I possess to be free, every right that I possess to live and enjoy life and to enjoy the protection of my country is within the jurisdiction of the Federal Government if this particular matter is within the jurisdiction of the Federal Government.

Mr. MINTON. Mr. President——

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). Does the Senator from Texas yield to the Senator from Indiana?

Mr. CONNALLY. I yield.

Mr. MINTON. Does not the Federal Government now have some laws against robbery?

Mr. CONNALLY. Oh, yes; it does.

Mr. MINTON. And with reference to larceny?

Mr. CONNALLY. Yes.

Mr. MINTON. Would there be any objection to having a law against murder?

Mr. CONNALLY. Does the Senator from Indiana believe that the Federal Government ought to invade the States and make all crimes Federal offenses?

Mr. MINTON. No; unless the States fail to do their duty.

Mr. CONNALLY. Suppose the Federal Government decides the States are not enforcing their laws against theft, would the Senator from Indiana advocate a Federal law against theft?

Mr. MINTON. Oh, yes, of course, because we already have such a law. The Federal Government came to the conclusion that the States were not enforcing the law in reference to stolen automobiles and enacted a law relating to stolen automobiles. The Federal Government came to the conclusion that the States were not enforcing the law with reference to kidnaping and enacted a Federal kidnaping law.

Mr. CONNALLY. Does the Senator contend, as to the law relating to stolen automobiles, that the Federal Government can go into a State where a car was not transported across State lines and punish or attempt to punish for the stealing of that automobile?

Mr. MINTON. Oh, no; but it was still an offense under the State law to steal a car used in interstate commerce, and the State was not enforcing the law, so the Federal Government said it came under the interstate-commerce provision of the Constitution and enacted a Federal law relating to such thefts.

Mr. CONNALLY. The Senator from Indiana is driven to making some kind of argument to maintain his position and tries to draw a parallel between the interstate transportation of a stolen automobile and a crime committed wholly within the State. What the Senator from Texas was undertaking to point out was that to go into a State and regulate its domestic affairs is beyond the power of the Federal Government. Of course, the Federal Government has the right to prohibit the transportation in interstate commerce of any kind of stolen property. That is all the law relating to stolen automobiles transported across State lines attempts to do. If it is wrong to steal an automobile and take it across State lines, why did not the Senator offer an amendment to that bill when it was before the Senate to make it a Federal offense to steal an automobile and carry it across the street within a State? It was because he knew he had no authority under the Constitution to do it. But now, because of his advocacy of this measure, he has to seek somewhere to find some kind of shadowy, flimsy foundation upon which to base something that cannot be supported under any circumstances.

Mr. President, of course there is a Federal law against theft. It relates to national banks or any national agency of the Federal Government. Of course, Congress can enact a law to make it a criminal offense to steal from such a national agency, but we all know that the Federal Government has no right to go into the State of Illinois, for instance, and regulate transactions between the people of that State which are now within the police power of the State and nowhere else.

Mr. LEWIS rose.

Mr. CONNALLY. I yield to the Senator from Illinois.

Mr. LEWIS. I merely wish to ask a question of the Senator from Texas. My neighbor in the adjoining seat, the able Senator from New York [Mr. WAGNER], and I, while the Senator from Texas has been making his very able and full argument, have been discussing whether he might not be mistaken in assuming that the bill allows judgments against individuals in their respective localities. Does the Senator from Texas feel that the bill does authorize judgments against individuals? I am opposed to such a provision and tried to get it out of the bill.

Mr. CONNALLY. I am speaking now of the penal sections of the bill. They are directed at individuals.

Mr. LEWIS. We thought the able Senator was directing himself to judgments against individuals.

Mr. CONNALLY. I am not so much concerned about money judgments. I am, of course, opposed to the provision in the bill to give a money judgment against an innocent county or the innocent taxpayers of a county. I am talking about the penal provisions which would put a man in jail or in the penitentiary. I am more concerned with the liberty of my constituents than I am with their dollars. I am more concerned with my liberty of body and mind than I am with my dollars.

The Senator from Illinois pays me the great compliment of advising me that he and the Senator from New York [Mr. WAGNER] were busily engaged in discussing something during my interesting speech. [Laughter.] If he had listened more attentively he would not have had any doubt as to what the Senator from Texas is undertaking to indicate.

Mr. LEWIS. I am very sorry the able Senator's argument leaves us so confused that we could not tell just what he was talking about.

Mr. CONNALLY. The Senator from Texas is always delighted when he has the attention of the Senator from Illinois, and wishes he could get it more often.

Mr. LEWIS. He will. [Laughter.]

Mr. CONNALLY. What the Senator from Illinois says about confusion leads me to say that it is not the speech of the Senator from Texas that is confusing anybody unless they have been listening to the citations of the Supreme Court and of the Constitution, and if they have I can well understand how there is some confusion as to what their duty might be when they want to go in another direction. When all of their impulses are going in one direction, and they suddenly run up on a red traffic light in the form of the Constitution of the United States, and then another red traffic light in the form of decisions of the Supreme Court from the very beginning down to the present moment, I can well understand how the Senator from Illinois would be in a state of some confusion.

The Supreme Court says:

> Why may not Congress, with equal show of authority, enact a code of laws for the enforcement and vindication of all rights of life, liberty, and property?

That is an interrogatory which the Supreme Court propounded many years ago. It has never yet been answered. It cannot be answered; it cannot be refuted by those who now propose this legislation. I assert, Mr. President, that if the Federal Government may go into a State and pass a law like this relating to murder, it may go into a State and regulate how fast automobiles may be driven within a State. I assert that it may go in and regulate the laws as to theft, the laws as to all criminal offenses, and probably even go into the civil courts—because they relate to property, which is associated in the same clause of the amendment with liberty and with life—and take over the control of all the courts and all the internal affairs of the States of the Union. I say if they may do this, they may do that; but, Mr. President, the Constitution gives them no warrant to do either.

Again, the Supreme Court says:

> If it is supposable that the States may deprive persons of life, liberty, and property without due process of law, and the amendment itself does suppose this, why should not Congress proceed at once to prescribe due process of law for the protection of every one of these fundamental rights in every possible case, as well as to prescribe equal privileges in inns, public conveyances, and theaters?

That was the Civil Rights case; and the court asked, if that act had been upheld, why should not the Federal Government then pass a law regulating in every State the conduct of inns and theaters and boarding houses and public conveyances, and completely oust the jurisdiction of the State?

Mr. President, that is not the only time the Supreme Court has spoken. That was the Civil Rights case, involving a statute which, had it not been stricken down, would, for motives that are the same as those behind this bill, have dragged the section of America from which I come down to a state of degradation and social debasement by law, by the fiat of Congress, which would have brought to the white civilization of the South the most terrible agony, the most terrible gloom that has ever been threatened in this or any other republic.

In the case of *Barbier* v. *Connally* (113 U. S. 27), Mr. Justice Field, a great judge from the State of California, used the language I am about to read. Mr. Justice Field was appointed right after the Civil War, or perhaps during the Civil War. A new circuit had been created for California and the adjoining States, and Mr. Justice Field was appointed from California. I desire to read what he said about the fourteenth amendment. He was not a Democrat. He did not live in New York. He did not belong to any political clubs in New York. He was not running for office in New York or anywhere else, thank God. Here is what he said:

> The fourteenth amendment, in declaring that no State "shall deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws", undoubtedly intended not only that there should be no arbitrary deprivation of life or liberty or arbitrary spoliation of property but that equal protection and security should be given to all under like circumstances in the enjoyment of their personal and civil rights; that all persons should be equally entitled to pursue their happiness and acquire and enjoy property; that they should have like access to the courts of the country for the protection of their persons and property, the prevention and redress of wrongs, and the enforcement of contracts; that no impediment should be interposed to the pursuits of anyone except as applied to the same pursuits by others under like circumstances; that no greater burdens should be laid upon one than are laid upon others in the same calling and conditions; and that in the administration of criminal justice no different or higher punishment should be imposed upon one than such as is prescribed to all for like offenses.

But listen:

> But neither the amendment, broad and comprehensive as it is, nor any other amendment, was designed to interfere with the power of the State, sometimes termed its police power, to prescribe regulations to promote the health, peace, morals, education, and good order of the people.

Mr. Justice Field, of the Supreme Court, in handing down the opinion of the Court, said that as broad and sweeping as were the terms of the fourteenth amendment, neither that amendment nor any other amendment was designed to interfere with the power of the State, sometimes termed its police power. Yes; the fourteenth amendment cannot afford the basis for an invasion by the Federal Government of the province of the police power of the States.

Mr. President, that is not all the Supreme Court has said; but what is proposed in this bill? I have undertaken, in a rather unarranged and loose fashion, to point out the limitations of the fourteenth amendment, not only by the plain language of the amendment, not only by the debates in the Congress when the amendment was submitted, the language of Mr. Blaine, the speeches of Mr. Stevens and others, but I have undertaken to point out that that interpretation and construction has been maintained over a long period of years unwaveringly and unflinchingly and unvaryingly by the Supreme Court of the United States.

Let us see what this bill, this great measure, proposes to do.

Mr. President, we in the South have problems that some of the Senators do not understand. We have undertaken as

best we could to solve them. We shall struggle along, notwithstanding the impediments and the burdens that may be put upon us, notwithstanding the harassments and the annoyances which prejudice and passion and political expediency seek to inflict on us. Over half a century ago the South emerged from the Civil War. She was bleeding from many wounds. Her fields were wasted, and many of her gallant sons were left in the green valleys of Virginia or on the hillsides throughout the South. A victorious North had conquered us, and we were in political chains. It was not of our seeking, but the war left us with a population some of whom had been lately enfranchised. My father never owned a slave, but he walked forth with a gun in his hand when he thought the rights under the Constitution of his section and his State were violated.

Mr. President, the war left with us social burdens and problems which I would to God some of the Senators in other States could understand. We are trying to solve them, and we have done pretty well with them. In the matter of lynching, we are opposed to lynchings. I am opposed to lynchings, and over the years the problem has largely been solved. Very few of them now occur.

In my own State, the other day, in the county-seat town of Athens, Tex., a brute committed a heinous offense upon an innocent woman. A crowd gathered. Somebody thought he was going to be mobbed; but a brave and a wise sheriff stepped forth in his own single person, took charge of the situation, and there was no lynching. He was acting under his sworn duty as a State officer. He was not driven to the performance of that duty by a threat from Washington. If that had been the only incentive, he probably would have been down on the creek fishing, and would have let the mob take the prisoner without undergoing any risk on his part of going to the penitentiary; but he was an honest man. He was a brave officer. He performed his duty, and nothing happened. But what does this bill provide?

Mr. President, we of the South do not believe in lawlessness. We are not advocating lynching. We have laws against murder. We have laws, and they are enforced—not, of course, in every case. No law is enforced in every case in any State of the Union. When any Senator rises on this floor and points his finger at me and says, "Your State does not enforce the law on so and so," I shall be able to rise up and point the finger back at him and point out that under the laws and the courts of his State some laws are not enforced as they should be enforced. But, Mr. President, nobody gave the Federal Government power to supervise the States as to how they enforce their own laws. Nobody gave it that power, because no living man possessed the power to confer it.

We speak about two sovereignties, a Federal sovereignty and a State sovereignty. How can a State remain a sovereign if the Federal Government tells the State how and when, and so on, it may enforce its own laws? The State ceases to be a sovereign when a higher sovereign imposes its will and its power upon it.

Let us see what the bill provides:

That the provisions of this act are enacted in the exercise of the power of Congress—

Listen to this. It starts out with a legislative falsehood:

That the provisions of this act are enacted in exercise of the power of Congress to enforce by appropriate legislation the provisions of the fourteenth amendment of the Constitution of the United States and for the purpose of better assuring under said amendment equal protection to the lives and persons of citizens and due process of law to all persons charged with or suspected or convicted of any offense within the jurisdiction of the several States.

Mr. President, I say that is a legislative falsehood. It states that the provisions of this bill are to be enacted in the exercise of the power of Congress under the fourteenth amendment, and I have demonstrated, I hope, that there is no such power under the fourteenth amendment. So the assertion here that it is to be so enacted is what I very generously, and very softly, and very euphemistically, term a "legislative falsehood."

A State—

Who is this speaking? Who is going to tell a State, a sovereign, what it can do? It is a great sovereign when it can be ordered and kicked around by a congressional act—

A State shall be deemed to have denied to any victim or victims of lynching equal protection and due process of law whenever that State or any legally competent governmental subdivision thereof shall have failed, neglected, or refused to employ the lawful means at its disposal for the protection of that person or those persons against lynching or against seizure and abduction followed by lynching.

Mr. President, Congress is asked to say that a State shall be held to have denied equal protection of the laws under those circumstances. Notwithstanding there is a State law against what may have occurred, notwithstanding State officers are ready and willing to enforce the law, it is the effort of the bill I am discussing to hold that a State has denied equal protection of the law if a lynching happens in the State.

Why did the proponents of the bill insert that provision? Because the fourteenth amendment is directed only at State action, and they must have some sort of a hook on which to hang the theory of the bill, so they undertake to say that the State has denied equal protection, so as to bring it within the fourteenth amendment, if a lynching under the circumstances set forth occurs within the State. That is another legislative falsehood as to the actual facts. It is a subterfuge in a frantic effort to find something upon which to hang the authority to enact the proposed legislation.

What is a mob under the bill? I read:

Any assemblage of three or more persons which shall exercise or attempt to exercise by physical violence and without authority of law any power of correction or punishment over any citizen or citizens or other person or persons in the custody of any peace officer or suspected of, charged with, or convicted of the commission of any offense, with the purpose or consequence of preventing the apprehension or trial or punishment by law of such citizen or citizens, person or persons, shall constitute a "mob" within the meaning of this act.

Mr. President, if two men conspired to go down and drag a citizen out and cut his throat, they would not be within the provisions of the law, but if three did it, they would immediately be subject to Federal jurisdiction and Federal power. I am against murder by one man, or two men, or three men, or four men, or five men, or any other number of men. I am against murder whether it is under the gangster section of the bill and over on Fifth Avenue, or down on Second Avenue, or over in the Bowery, or up in Harlem, just as I am if it is in any other part of this Republic.

Any such violence by a mob which results in the death or maiming of the victim or victims thereof shall constitute "lynching" within the meaning of this act: *Provided, however*—

I want Senators to note this; I want the press to note this:

Provided, however—

We have to take care of our own. We want to pass a bill in order to get all the votes we can of a certain color, and so on, but we do not want to drive any votes away from us, so it is—

Provided, however, That lynching shall not be deemed to include violence occurring between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers.

They are exempted. Gangsters and racketeers are not a mob. If there is a mob on Broadway, or over on the Bowery, it will go free. If there is a mob in the South we are put in the penitentiary.

If there were a mob over in Harlem—and I saw a statement in the press that there was one not long ago. "Father" Divine resides in Harlem, as I recall, and the "father" has a good many followers, and he has a good many opponents. So, not long ago it was stated in the press that some, I do not know whether it was his opponents or his own group, had ganged up together and were creating a disturbance and breaking the peace. But under the broad and generous provisions of this measure "Father" Divine is given absolution, "Father" Divine can organize all the mobs he wants

to up in his section of Harlem, and "Father" Divine will sit among the anointed; but if a mob occurs somewhere down in the South we are to be put in the penitentiary. If a mob occurs in Harlem they give the members of it reserved seats. If it occurs in my section they give us reserved cells in the penitentiary.

Mr. President, this bill is advanced in order to guarantee to all citizens of the United States the equal protection of the laws. How can we exempt gangsters? If we are to guarantee the equal protection of the laws, and guarantee to every citizen of the United States his rights and privileges and immunities, how can we except anybody from its provisions, whether he is gangster or "gangee"? I wonder who put that provision into the bill? I think I can recognize the handwriting. I think I know the handwriting, although I am not an expert on handwriting.

Provided, however—

I want Senators from the prairie States who are figuring on voting for the bill to note this. If there is a bunch of cattle rustlers out in Idaho, and a vigilance committee catches them and runs them out of the country, that vigilance committee would come under the law; that would be a mob. If there is a vigilance committee in a mining town, or out in the cattle country, and they take a horse thief or a cattle thief and stretch him up or run him out of the country, they become a mob, and they will be put in the penitentiary. But if the same kind of men, with the same kind of motives, organize a little gangsters' association, they can be a mob and kill somebody, and they can plead, "We are not amenable to the law; we are gangsters", and they will go free. So I want the Senators from the West, from Colorado and Wyoming and the Dakotas, from Montana, New Mexico, and Arizona, where the cattle are still on the ranges, and where the wild horses and the bucking bronchos still make picturesque that wonderful region—I want them to know that there are still going to be horse thieves out in that country, there will still have to be vigilantes, perhaps, but if the vigilantes catch a thief, even if they do not hang him, if they simply whip him, or commit any violence on that horse thief or cattle thief, they violate the antilynching law.

But if "Gyp the Blood", or "Billy the Greek", or "Sam the Dago", in New York, organizes a gang and goes out and highjacks some of his antagonists of a rival gang, and does a little violence to them, he can come into court and say, "Well, I am a gangster. I am exempt under this law." And if the Senator from New York should appear as his counsel, we can imagine him pointing out, "I wrote this law, and I know exactly what it means, and lynching shall not be deemed to include violence occurring between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers. It meant just what I said, and my constituents are not going to be subject to any such outrageous law. I am willing to put it on the boys from the other sections, perfectly willing to put it on the South, perfectly willing to put it on the West, but I am not going to put it on my beloved constituents on Broadway, or on Second Avenue, or in Harlem. I am going to leave 'Father' Divine and the beloved secure." [Laughter.]

Mr. President, I have been dealing with the general outline of the bill. Let us see what else it provides. I read section 3:

SEC. 3. Whenever a lynching of any person or persons shall occur, any officer or employee of a State or any governmental subdivision thereof who shall have been charged with the duty or shall have possessed the authority as such officer or employee to protect such person or persons from lynching and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching, and any officer or employee of a State or governmental subdivision thereof who shall have had custody of the person or persons lynched and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching, and any officer or employee of a State or governmental subdivision thereof who, having the duty as such officer or employee, shall willfully neglect, refuse, or fail to make all diligent efforts to apprehend, keep in custody, or prosecute the members or any member of the lynching mob, shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding 5 years, or by both such fine and imprisonment.

The Senator from Illinois [Mr. LEWIS] a little while ago made inquiry as to whether this bill would allow judgments. It not only allows conviction and confinement in prison but, under section 3, it also authorizes a fine as high as $5,000. Of course, the Government could proceed to collect that fine by imprisonment, I suppose, or by judgment. But what the Senator had in mind no doubt was the next section, section 4.

Before I go to section 4 let me make a further suggestion. In section 3 a doctrine is laid down that the Federal Government has the right to go inside a State and pass judgment on a State officer as to how he performs his duty. His duty to what? His duty to the State. The only obligation that officer has is to the State.

Mr. President, where does he get his authority? He gets it from the people who elect him or from the Governor who appoints him. He gets his authority and his duties from the constitution of his own State and from the acts of the legislature of his own State. Whose business is it to see that he obeys the law? It is the business of the Governor of the State, of the legislature, and of the State officers, under their own constitution. Where did the Federal Government get any right to supervise the duties of State officers under the State constitution and under State law? But this bill says that the Federal Government will cross State lines. It will invade a State—not with an army. I would rather it would come with an army, because when it comes with an army we know what to meet and how to fight. But it comes in to destroy the very fundamentals of State sovereignty and State power; it comes in insinuatingly, all dressed up with a beautiful exterior. "We are trying to do away with lynching." Oh, yes; that is simply the little cellophane covering on it; but when the cellophane covering is torn off, we see that it is absolutely destructive of the sovereignty and of the independence and of the responsibility of the State.

Mr. President, how are we to maintain State authority unless we say to the States, "You must, in your own proper way, stand on your own legs. You must assert your own authority. You must meet your own responsibility." We have done enough already to weaken and enervate the States; but if we adopt this sort of a doctrine and follow it up, every vestige of State power to control its own internal affairs will in the course of time disappear.

Mr. President, I shall not vote to give the Senator from New York, or to give to any other Senator, or to give to any Federal functionary anywhere the right to tell the citizens of my State whom they shall elect to office or how that officer, when once elected, shall perform his duty, not to the Federal Government, but shall perform his duty to the sovereignty which creates him, which endows him with all the power that he possesses, and to which he owes every obligation. That is what this section does. It subordinates him. Instead of being an officer of a sovereign State, he begins to wear the red livery of a lackey of the Federal Government. "Oh, yes; I am a State officer, but I have got to do what the Federal Government tells me to do. It is the judge of my fidelity. It passes judgment on whether I am true to my obligation to my State and to my Constitution and to my Government."

Mr. President, I shall not vote to give that authority to anybody in Washington to regulate anybody in New York, or in Wyoming, or in Maine, or anywhere else.

Let us now see what else there is in the bill.

Mr. LEWIS. Mr. President, would the Senator now advert to section 3?

Mr. CONNALLY. I should be very glad to.

Mr. LEWIS. I want the views of the able Senator on that section. Unless I misunderstood him——

Mr. CONNALLY. I think the Senator from Illinois is referring to section 5. I shall get to that in a moment.

Mr. LEWIS. Possibly that is the section I had in mind.

Mr. CONNALLY. I shall go to that section now. I shall skip section 4. I want to accommodate the Senator from Illinois.

Mr. President, the Senator from Illinois is interested in section 5. I read from it:

> Every governmental subdivision of a State to which the State shall have delegated functions of police shall be responsible for any lynching occurring within its territorial jurisdiction.

Does that answer the Senator?

Mr. LEWIS. I was anxious to get the construction of the able Senator from Texas as to what he feels is the meaning and operation of that section. I think we are at variance, but I should like to have his views.

Mr. CONNALLY. I shall quote the language of the bill, and then neither of us will be at variance as to our views.

Mr. LEWIS. It is not the language of the bill the Senator from Illinois desires, but what does the Senator from Texas construe that its operation would be by reason of which he would object to it?

Mr. CONNALLY. The Senator from Texas would construe it this way, as was so well stated by the Senator from Idaho [Mr. BORAH] yesterday. Here is a bill which says to citizens of a county, we shall say, citizens who believe in law, citizens who have passed laws, citizens who have elected officers to enforce the laws, citizens who pay taxes to pay the salaries of officers to enforce the law, and if by any chance a lynching shall have occurred in that county, the taxpayers must pay damages to the family of the victim, though they may have been at home asleep at the time, though they may have been at church worshiping their God and praying for the enforcement of all laws—notwithstanding all those things the taxpayers of the county or any municipal subdivision of the State are being punished by having to pay from $2,000 to $10,000 out of their treasury.

Does that answer the Senator from Illinois?

Mr. LEWIS. Yes; I appreciate the construction placed upon it by the Senator.

Mr. CONNALLY. Does the Senator favor that?

Mr. LEWIS. I must say again, though, not wishing to intrude myself at this time, that I tried to have that particular provision taken out of this bill. I did not favor it originally and I do not favor it now. I hope it can be dropped from this bill, and the whole subject left in the form that the Senator from New York [Mr. WAGNER] has advocated, simply to avoid lynching by those who could prevent it. But placing a heavy fine in dollars and cents on the innocent has had no appeal to me.

Mr. CONNALLY. I thank the Senator. I knew that the Senator from Illinois could not approve all of this bill. He disapproves very bitterly that section. The only way that he can express that disapproval, so as to satisfy his own feelings, I am sure, and the responsibility that he owes his constituency in Illinois is to vote against the bill, because if he votes for it with that clause in it, he will be voting for what he says is wrong. He will be voting for that which he says is an outrage, and I know the Senator from Illinois will not do it. [Laughter.] I do not want to misrepresent the views of the Senator from Illinois.

Mr. LEWIS. Mr. President, I did not quite understand the last observation of the able Senator from Texas. I was for a moment engaged on a legal suggestion made by the Senator from Georgia [Mr. GEORGE].

Mr. CONNALLY. I beg the Senator's pardon.

Mr. LEWIS. What was it my able friend said that he thinks is misrepresenting me?

Mr. CONNALLY. I am not conscious of having made any misrepresentation, but the Senator from Illinois is so attractive in his personality——

Mr. LEWIS. I will not deny that. [Laughter.]

Mr. CONNALLY. That it is difficult to get his attention because others are always pressing for it. [Laughter.] I shall answer the Senator. The Senator from Texas was just pointing out how gratified he was to know that the Senator from Illinois is so much opposed to section 5, which puts a heavy financial burden upon innocent people in the counties and subdivisions of a State, when they have nothing on earth to do with a lynching. Was I correct in that?

Mr. LEWIS. Yes; and I feel that section can either be eliminated from the bill, or so modified as not to obstruct the main purpose of the bill, and I hope something of the kind will be done.

Mr. CONNALLY. That is a hope which the Senator will never see realized. I said but awhile ago, knowing how strongly the Senator from Illinois feels against section 5, knowing how his spirit is outraged by the terms of section 5, that the only way he will have to voice that opposition will be to vote against the whole bill, because if he votes for the whole bill he will be voting for what he condemned and what he says is an outrage upon innocent people, and I know that the Senator, gallant spirit that he is, will never do that. [Laughter.]

Mr. LEWIS. The Senator embarrasses me very much, because in order to be worthy of his virtue I have got to "commit" his vice.

Mr. CONNALLY. The Senator from Texas knows no one more able to "commit" that vice, if he desires, than the Senator from Illinois.

Mr. LEWIS. Very well, since I have the permission to do so from the able Senator from Texas.

Mr. BORAH rose.

Mr. CONNALLY. I yield to the Senator from Idaho.

Mr. BORAH. I was going to call the attention of the Senator from Texas and the Senator from Illinois——

Mr. CONNALLY. Mr. President, will the Senator from Illinois give heed?

Mr. BORAH. I think I will wait until questions relating to virtue and vice have been fully settled.

Mr. LEWIS. I apologize. I again was distracted by eminent men of great attraction. I did not know my able friends had risen to address me.

Mr. BORAH. I was going to ask, and I will direct the question also to the Senator from New York, under what clause of the fourteenth amendment does the Federal Government get the right to go into a State and establish civil liability for damages between citizens of the State or between citizens and a subdivision of a State?

Mr. WAGNER. I was hoping at some time to discuss that question——

Mr. CONNALLY. I hope the Senator from New York will not interfere with the Senator from Illinois, who wants to answer the Senator from Idaho, as I understand.

Mr. LEWIS. Mr. President, the inquiry was equally addressed to the able Senator from New York in charge of the bill, and I yield in deference to my friend from New York first. [Laughter.]

Mr. WAGNER. The Senator from Illinois may proceed, so far as I am concerned.

Mr. LEWIS. I will answer the Senator from Idaho. He asks me under what provision of the Constitution one has a right to go into court for a civil judgment against a citizen. I answer it would be dependent on whether that citizen has violated the Federal Constitution. If he has, he has rendered himself amenable as decided in the case in 127 United States, which I took the liberty of bringing to the attention of the Senate yesterday.

Mr. BORAH. But what I am asking is, under what provision of the fourteenth amendment, what clause or provision of the fourteenth amendment, has the Federal Government the right to go into a State and establish a civil responsibility or civil liability between two citizens on the basis of damage done by one to the other?

Mr. LEWIS. My answer is that if we have passed a law under the Constitution upon the theory of our Government of protecting the life, liberty, and pursuit of happiness of a citizen, and a person in a State violates the provision both of the constitutional principle and the fourteenth amendment,

which guarantees due process of law, he renders himself amenable in the form of penalty that has been provided by the Federal Government.

Mr. BORAH. What due-process-of-law conception has the county within which a crime happened to be committed violated?

Mr. LEWIS. It would depend on whether the officers of that county have either done their duty or ignored it.

Mr. BORAH. Does the Senator contend, by reason of the failure of an officer to do his duty, that the county has thereby become subject to civil responsibility under any clause of the fourteenth amendment;

Mr. LEWIS. No; it would be under law passed under the due-process provision of law drawn from the fourteenth amendment.

Mr. CONNALLY. Mr. President, of course the Senator from Idaho cannot get an answer from the Senator from Illinois, because there is no such clause in the Federal Constitution or in the fourteenth amendment. There is no such thing.

Mr. BORAH. Mr. President——

Mr. CONNALLY. I yield.

Mr. BORAH. The fourteenth amendment provides:

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

What I am anxious to know is, under what clause of the fourteenth amendment is found the right upon the part of the Federal Government to go into a State and establish a civil liability between citizens or between citizens and a subdivision of the State by reason of the activities of citizens, either pro or con.

Mr. LEWIS. I must say to my able friend that I recall——

The PRESIDING OFFICER. Does the Senator from Texas yield further to the Senator from Illinois?

Mr. CONNALLY. I yield.

Mr. LEWIS. I apologize. My able friend has given great consideration, with his splendid ability in the law, to the features of the law which are recognized today in the decision called the Webb-Kenyon Act decision, and also under the eighteenth amendment. I ask him does he not realize if the Federal Government could go into a State and punish a man by fine of $10,000 for violating the prohibition laws that it can do so for the taking of the life of a man by murder?

Mr. BORAH. In the case referred to by the Senator from Illinois the action was taken under an amendment to the Constitution of the United States.

Mr. LEWIS. To which I reply we are now acting under an amendment to the Constitution—the fourteenth amendment of the Constitution of the United States.

Mr. BORAH. What I am asking is, What provision, what clause, what phrase of the fourteenth amendment justifies the Federal Government establishing a civil responsibility between citizens of a State?

Mr. LEWIS. If established laws prevent the taking of life or the deprivation of liberty and if the Federal Government should assume that it can carry them out by a penalty in the form of civil liability instead of criminal liability could be prescribed as penalty, such is within the jurisdiction of the law-passing power.

Mr. BORAH. Then, as I understand the Senator from Illinois, section 5 is based on and comes within the purview of the fourteenth amendment?

Mr. LEWIS. As to section 5, I again may say that that is where I have had differences with my able colleagues on this side. I would agree that it be stricken out, and I announced my opposition to the committee. I answered the Senator, giving my views, and say that I have not insisted from my viewpoint upon the imposition of a great penalty in dollars and cents on innocent citizens of a county because of wrong upon the part of some county officer.

Mr. BORAH. Now, I ask the Senator from Illinois another question, if I may be permitted to do so.

Mr. CONNALLY. I yield.

Mr. BORAH. First, I want to read again this provision of the bill:

SEC. 5. (1) Every governmental subdivision of a State to which the State shall have delegated functions of police shall be responsible for any lynching occurring within its territorial jurisdiction. Every such governmental subdivision shall also be responsible for any lynching occurring outside of its territorial jurisdiction, whether within or without the same State.

I presume that is based upon the proposition that the parties lynched had been denied due process of law.

Mr. LEWIS. Such is the way I understand it.

Mr. BORAH. Then, if the lynchers of Chicago who are sometimes called "gangsters"——

Mr. LEWIS. Not in Chicago, of course. [Laughter.]

Mr. BORAH. I will say New York, but I do not know how to differentiate between the two Senators on this proposition. If gangsters have seized a person and have taken his life without any form of trial or hearing, the person so seized and killed has certainly been deprived of his life without due process of law.

Mr. LEWIS. I should say so.

Mr. BORAH. Then, this bill would cover that?

Mr. LEWIS. No; this bill would be limited, as the able Senator must see, to cases where officers of the law who could have exercised their power to avoid it had failed to do so.

Mr. BORAH. Then, I go a step further. If the officers of the city of Chicago or the city of New York failed to do their duty in the eyes of the Federal Government in the way of eliminating or destroying the gangsters of the city, they are certainly failing in the discharge of their duty, are they not?

Mr. LEWIS. If they allowed any man to be lynched, though he would be called a "gangster", when they could have taken steps under the criminal laws to bring him properly to trial by a court and a jury, they would be just as guilty in that state of affairs as if the man did not have the appellation of "gangster."

Mr. BORAH. It all comes back to the question of whether the person has been deprived of his life without due process of law?

Mr. LEWIS. I think the Senator is correct. There is where we agree.

Mr. BORAH. I think a man is deprived of his life without due process of law if he is killed by a gangster just the same as if he is by lynching. Both are really lynching.

Mr. LEWIS. But if he had been deprived, may I say to the able Senator, of due process of law by the action of the law-enforcing officers of the community, then he would be so deprived by the government that names those officers as conceived in this proposed statute.

Mr. BORAH. Then we may assume it to be the Senator's position that if the officer has been derelict in his duty in either instance in not properly protecting the citizen, whether against so-called lynchers or so-called gangsters, the principle of this proposed law will apply?

Mr. LEWIS. The Senator is not asking me that I should apply it in point of money damages. I have expressed my views. It would apply to lynchers and to the officer of the locality in the State who would come within the law.

Mr. BORAH. Does the Senator see any limit to the authority of the Federal Government, under the bill, over the activities of the State with reference to the enforcement of the law?

Mr. LEWIS. I regret to say to my able friend, for we have discussed this phase many times in our court practice and many times in our tribunals of government, that the advance of the Federal Government has been so rapid and seems to multiply itself to such a degree as to drive the States rapidly back into the position of mere provinces or political divisions of the Government of the United States. We have, I deplore

to state, reached a point where we have no longer a "union of States" but we have now a state of the Union. I say to the Senator that I deplore the advance, but since it has been made I feel that it may apply to citizens everywhere and wherever necessary.

I heard the able Senator, if he will allow me to say so, indulge the other day in the Senate on the wage and hour bill in a remarkable and to me an attractive discussion, in which he referred to the fact that the government of Rome, following precedent upon precedent, had reached such a point that after a while a ruler was adopted who became practically dictator of the law, and the government became a despotism. I am sorry to say something of that kind, following precedent upon precedent—as described by Tennyson, I think it is—has happened to us in the United States between the Federal Government and the States. I fear we have gone that far. And since my able friend has delivered that dissertation on the Roman advance, I know he will forgive me for reminding him that, as Julius Caesar reached the little river which we speak of as the Rubicon, desiring to cross the line, and as he pushed his horse forward in his imperial march, he uttered the expression, as is reported by his commentaries, "Illa facta est." In other words, "The die is cast." I am pained to say to the Senator that it is my judgment that the policy of my Government has cast the die, and that the policy now, sir, is no longer to preserve the branch of our Government, the localities called States, as sovereign, but to preserve the sovereignty of the Federal Government in its exercise of protection over its citizens as citizens of the United States.

Mr. BORAH. Does the Senator think that in the matter of the elimination of the States and reducing them to mere geographical expressions sufficient to elect Senators and Members of Congress——

Mr. LEWIS. I regret it; it is regrettable——

Mr. BORAH. That the people of the United States ought to be consulted by the submission of constitutional provisions for the elimination of the States?

Mr. LEWIS. One cannot avoid the fact that the question has got to be met as a direct issue before the country.

Mr. CONNALLY. Mr. President, I have been entertained very greatly by the discussion between the learned Senator from Illinois and the able and eminent Senator from Idaho. As I understand, the attitude of the Senator from Illinois is that he is violently opposed to the consolidation of Federal power and the stripping of the States of their power, but since most of the crowd is going in that direction he will join the crowd and go with it.

Mr. AUSTIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Vermont?

Mr. CONNALLY. I yield.

Mr. AUSTIN. Before the Senator leaves this branch of his discussion, I ask him whether he has considered the bearing of the eleventh amendment to the Constitution on this question? I confess that to me, as a member of the committee, section 5 of the bill seemed to transgress the prohibition contained in the eleventh amendment, which absolutely denies any judicial power over an action of law or in equity by a citizen against a State. What I want to ask the Senator is this:

First, is it not true that it makes no difference whether the action of the citizen is brought in his own name under one part of the section or brought on relation of the Attorney General, under another part of the section, it is nevertheless a suit by a citizen?

Mr. CONNALLY. It is.

Mr. AUSTIN. Secondly, is it not true that a municipality or governmental subdivision as described in the bill represents the State and is the State for all definite purposes under the eleventh amendment to the Constitution?

Mr. CONNALLY. It is.

Mr. AUSTIN. Thirdly, is it not true that no such subdivision of any State may be sued save by consent of the legislature of the State?

Mr. CONNALLY. That is true.

Mr. AUSTIN. Fourthly, is it not true that the instances in which a suit has been permitted against subdivisions of a State are extremely few in all the several States of the Union?

Mr. CONNALLY. I would say that is generally true.

Mr. AUSTIN. Then do we not come necessarily to the conclusion that here is an attempt to extend the judicial power beyond the grant by the people of the several States and, therefore, that section 5 ought to go out of the bill?

Mr. CONNALLY. That is correct. I thank the Senator. The Senator from Vermont is learned in the law, a very diligent and able Senator, and I am very happy to have his suggestion.

The eleventh amendment to the Constitution, to which the Senator from Vermont has referred, reads as follows:

> The judicial power of the United States shall not be construed to extend to any suit in law or in equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

The judicial power, of course, is the power of the Federal courts. The bill seeks to authorize suits against subdivisions of States, but the only way a suit can be maintained against a subdivision of the State is to treat it as the act of the State, and the proponents of the bill undertake to do that in the first section of the bill by declaring that a State shall be deemed to have denied the equal protection of the laws if and when a lynching occurs in that State.

The Senator from Vermont is eminently correct in the assertion that a subdivision of the State is a part of the State, and derives its powers and functions from State authority. Most of the subdivisions of a State can be sued only by and with the consent of the State. In my own State of Texas there are certain statutes allowing suits against municipal corporations in certain kinds of cases, but it is clearly fundamental that they cannot be sued unless the State consents.

I think the Senator is correct in his view that section 5 of the bill is not warranted under the eleventh amendment to the Constitution.

I want to answer the Senator from Illinois [Mr. LEWIS]. I want to point out what section 5 of the bill proposes to do. It provides that—

> Every governmental subdivision of a State to which the State shall have delegated functions of police shall be responsible for any lynching occurring within its territorial jurisdiction.

Mr. President, every city, every county, in every State of the Union has had delegated to it by the State certain police powers, of course. Therefore, under the terms of the bill, every such governmental subdivision, if a lynching occurs within its borders, is responsible for money damages. Its citizens may be entirely innocent, but they have to go down into their tax money and pay tribute for something for which they are not responsible.

I am an individual. I am lynched. The lynching occurs in a certain county. Senators who urge the passage of the bill in a vain effort to vindicate my having been lynched are willing to assess fines and penalties against thousands upon thousands of innocent citizens who had nothing more to do with the lynching than the Senator from New York [Mr. WAGNER] himself.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. CONNALLY. Certainly.

Mr. WAGNER. I had intended not to interrupt the Senator at all.

Mr. CONNALLY. I am very glad to have the Senator interrupt me.

Mr. WAGNER. I have enjoyed his compliments very much during the course of his discussion. The Senator told us that he believes, as a matter of course, if a lynching occurs——

Mr. CONNALLY. I am going to read the rest of this. The Senator from Texas can only read one line at a time. He has read that much and is going to read the balance of it.

The authors of the bill start out with this language:

> Every governmental subdivision of a State to which the State shall have delegated the functions of police—

And that means all of them—

shall be responsible for any lynching occurring within its territorial jurisdiction. Every such governmental subdivision shall also be responsible—

Not satisfied with the first provision, it is further provided that—

Every such governmental subdivision shall also be responsible for any lynching occurring outside of its territorial jurisdiction, whether within or without the same State, which follows upon the seizure and abduction of the victim or victims within its territorial jurisdiction.

Mr. President, under the terms of the proposed bill if three or more persons over in Gary, Ind., should seize a citizen on the streets of that city and transport him to Chicago, and then in Chicago do some violence to him, everybody in the county in which Gary, Ind., is located would be guilty under the law and subject to pay a penalty.

If, on the other hand, some balmy afternoon while the Senator from Illinois [Mr. LEWIS] was promenading along Michigan Avenue, a mob of gangsters should suddenly attack a crowd of other gangsters, and one of the Chicago gangsters should seize and transport one of the gangsters over to Gary, Ind., the Senator from Illinois could be called to Gary, Ind., as a witness in a damage suit against his own city of Chicago, wherein his city of Chicago would be asked to pay from $2,000 to $10,000 because the gangsters had kidnaped a citizen of Chicago and taken him over the State line into Indiana, and tarred and feathered him.

That is the doctrine of the bill. Is that evidence of a desire to give the citizens of the United States the equal protection of the laws? Where is the equal protection of the law that condemns thousands of innocent citizens and makes them go down into their tax funds, collected out of their own toil and sweat and labor, and contribute $10,000 to soften the wrongs of a victim, when those who pay the penalty are innocent and had nothing whatever to do with the crime?

Mr. GLASS. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Texas yield to the Senator from Virginia?

Mr. CONNALLY. I yield.

Mr. GLASS. Will the Senator be good enough to tell me exactly how the fine is to be collected? Suppose the taxing power of the State or the community declines to levy a tax to pay the fine, is the Federal Government to be authorized to levy the tax?

Mr. CONNALLY. The proponents of the bill say that judgment shall be obtained in the sum of $2,000 to $10,000 in the Federal court, and that if the taxing authorities do not levy the tax it is proposed to mandamus them in the Federal court and make the board of assessors or the city authorities or county commissioners levy a tax sufficient to pay the amount demanded.

Of course in most States the State constitutions limit the rate of taxation which may be levied on property. Most of the States already have probably gone to that limit, and the Federal courts in my State have refused to issue mandamuses in cases where the constitutional limit has been reached; but I am not worried about the collection of this money. Not a dime of it is going to be collected until the bill is passed; and my hope is that such a bill never will be passed.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. BYRNES. In States where county officials have no right to levy taxes, where they may be levied only by act of the legislature under the State constitution, would the legislature then be called into session by the Federal Government?

Mr. CONNALLY. I think it is the theory of those who advocate this bill that whatever is necessary to be done by the exertion of Federal power on any Governor or legislature or State judge or State officer must be done. They do not specifically say anything about that, but their theory is that the Federal courts would have power to compel those things to be done.

Mr. BYRNES. Mr. President, if the Senator will further yield, if the Governor of a sovereign State should refuse to call the legislature into session, or if the legislators should not appear, would they be jailed for failure to do so?

Mr. CONNALLY. No; because there are some honest Federal judges, and they would not ever do it. The Federal courts would say, "What did the Senate mean by passing a law like that? Did they have no respect for State sovereignty? Did the Senate of the United States forget that States are States and that Governors and legislatures cannot be controlled by the Federal Government?"

Mr. President, we cannot levy a Federal income tax upon the salary of a State officer. Why? Because John Marshall, away back yonder in the case of McCulloch against Maryland, and the Supreme Court in other cases since that time, have held that the Federal Government has no right to lay any burden upon or require any obligation of an officer of a State, because in doing so the Federal Government is interfering with the sovereignty of the State. We cannot collect 10 cents; our tax collectors, our Federal Internal Revenue Commissioner, our Attorney General, our Federal courts, our marshals, our Army, and our Navy, all combined, cannot require the payment of a single dime of Federal income tax by the Governor of a State, or the attorney general, or a county sheriff, or a county judge, or a county commissioner—not a dime—and yet Senators who advocate this bill say that the Federal Government may take $10,000 from a county, which is a subdivision of a State, which derives its existence from the State, which has its life and its being from the State, which owes its obligation to the State, which gets its authority from the State. We cannot extract a dime from the officers of the county in the way of Federal taxes, but we may go down and practically destroy its economic life by requiring the county to pay $10,000 as a fine.

Mr. President, that is not all this bill does. This bill is said to be in behalf of the equal protection of the laws, equality of the law. Let us see what else it does. It is not limited. Under this bill, as I said a while ago about the Senator from Illinois, if a taxicab should stop by the sidewalk, and by any pretext a pedestrian were invited to get in, and those in the taxicab rode away, and afterward, while they were still in that county, they conceived the plan of kidnaping the pedestrian, and carried him over into another county and did some violence to him, the citizens of Chicago would still be liable to a fine of $10,000, even though that might take place in another State.

What is provided in the bill?—

Any such governmental subdivision which shall fail to prevent any such lynching or any such seizure and abduction followed by lynching shall be liable to each person injured—

Each person injured—

or to his or her next of kin if such injury results in death, for a sum not less than $2,000 and not more than $10,000 as monetary compensation for such injury or death: *Provided, however,* That the governmental subdivision may prove by a preponderance of evidence as an affirmative defense—

This is the great privilege that is given to the counties: They have to prove their innocence. The humblest citizen may be dragged into court now, but when he comes there he comes under the law with the cloak of innocence all about him. The law presumes that there is no stain of crime upon any defendant brought to the bar of justice; and until the State or the Government beyond a reasonable doubt strips him of that presumption of innocence, he stands clear. The Senator from New York calls my attention to the rule about the preponderance of evidence. I am now discussing a criminal case. In a criminal case the humblest citizen, the humblest gangster in New York, comes into the court with the presumption of innocence all about him; and until the Government or the State strips from his shoulders that presumption, he stands acquitted before the bar of his country.

But what is done here? The county, the innocent citizens of a county, are condemned, and the county is permitted to prove its innocence.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. WAGNER. That is exactly what we are trying to do here—to provide that the humblest person, whoever he may be, charged with or suspected of a crime, may go through the legal processes of being presumed to be innocent until proven guilty, and that instead of being lynched he may have a fair trial where it may be determined whether he is guilty or innocent. That is the objective of the proposed legislation, and I am sure the Senator knows that that is its objective.

Mr. CONNALLY. Why did the Senator exempt gangsters, then, if he wanted the measure to be of universal application? Why did the Senator exempt gangsters?

Mr. WAGNER. Gangsters are not in this proposed legislation because we are dealing here with lynching. There is ample law on the statute books, passed by us within the past 3 years, to apprehend and prosecute racketeers. The States have been very diligent and vigilant in prosecuting gangsters and racketeers; and if the time should arrive when there was any evidence that the States would not perform their duty and give equal protection of the law, Federal legislation would be justified to see that all citizens were equally protected by the law.

No such complaint exists today, however. Gangsters are being prosecuted in my own State and in the Senator's State and in other States; and there is no complaint that they are not being diligently prosecuted, and in many cases convicted. All we say is that the unfortunates who are now being lynched in some jurisdictions—I am sure against the will of many of their citizens—shall have the same treatment, namely, to be apprehended, to be indicted, to be tried by an impartial judge and jury, and then, if they are found guilty, to be sentenced and punished, or, if innocent, to be discharged.

That is the whole objective of the proposed legislation; and I think as a matter of plain justice the Senator certainly is in sympathy with the objective of the bill, anyway, even if he disapproves some of the bill's provisions. As to that, I may say to the Senator, if he will permit me to say that much, that all we are now asking is that the bill be brought before the Senate for consideration. Then we will consider each of its provisions, and if some of its provisions are objectionable, I am sure the Senate will amend the bill if in any respects it does not conform to the sentiment of the majority of this body. All I am now seeking is that the matter be brought before this body for the consideration of the Senate, and I will take their judgment upon the provisions of the bill.

Mr. CONNALLY. Oh, I realize that. It did not require a 10-minute speech to advise me that all the Senator is after is to get his bill up. I have known that ever since yesterday.

Mr. GLASS. Mr. President——

Mr. CONNALLY. I yield to the Senator from Virginia.

Mr. GLASS. Before the Senator from New York leaves the Chamber I want to ask him if there is a sentence against lynching in the statutes of New York State.

Mr. CONNALLY. I am going to ask the Senator from New York that very question.

Mr. GLASS. Two years ago, when I presented the statute of Virginia severely treating all lynching cases, I asked the Senator from New York if there was a single sentence in the statutes of his own State against lynching, and he could not produce one.

Mr. CONNALLY. Why, of course not, Mr. President.

Mr. GLASS. And there are more crimes in New York in 1 day than there are in Virginia in 50 years.

Mr. SMITH. Right. [Laughter.]

Mr. CONNALLY. Mr. President, the Senator from New York fires his artillery and then retires to the shade. He cannot answer the Senator. The Senator from New York says that the reason why gangsters are excluded—the Senator from New York has now returned.

Mr. WAGNER. Mr. President, someone said that a reference had been made to my leaving the Chamber. I have been sitting here until this moment, and I was just leaving the Chamber to get a bite to eat. May I be excused that long?

Mr. CONNALLY. Just a moment; the Senator from Virginia desired to ask the Senator from New York a question. Shall I ask the Senator the question on behalf of the Senator from Virginia?

Mr. GLASS. Go ahead.

Mr. CONNALLY. Is there or not in New York a statute similar to this against lynching?

Mr. WAGNER. In New York?

Mr. CONNALLY. A State law.

Mr. WAGNER. I have heard of no lynching in New York; but——

Mr. CONNALLY. But is there a law against it?

Mr. WAGNER. Just let me answer.

Mr. CONNALLY. The Senator from Virginia wishes to know whether or not there is a law of that kind.

Mr. GLASS. I asked the Senator what I asked him 2 years ago, and that is, if there is any statute in New York against lynching.

Mr. WAGNER. Yes; there is. There is a statute against lynching, of course. There is a statute against murder.

Mr. BYRNES. Mr. President, I should like to ask the Senator from New York if there is any State in which there is not a statute against murder.

Mr. CONNALLY. I hope not.

Mr. WAGNER. This proposed legislation will apply to New York State just as it will to any other State in the Union.

Mr. GLASS. I am not talking about that. I asked the Senator from New York 2 years ago to point me to a sentence in the statutes of New York against lynching, in contrast to the severe statute in my own State of Virginia against lynching, and he could not do it.

Mr. WAGNER. I am talking about the enforcement of the law, and giving the equal protection of the law to the citizens of our States, and not having them deprived of their lives, their liberty, or their property without due process of law.

Mr. GLASS. Yes; but why does not the Senator devote himself, first, to New York, instead of coming here to Washington.

Mr. WAGNER. I may say to the Senator that this law applies to New York as it does to any other State.

Mr. GLASS. Oh, I know that just as well as the Senator does. This bill is not the law yet, however; so it does not apply to any State.

Mr. WAGNER. What I am trying to do is to prevent lynching in this country. I am trying to provide that all citizens in all of the States shall have the equal protection of the laws, so that if they are charged with a crime they may be apprehended like other citizens and prosecuted according to the laws of the particular State, receive a fair trial, and, if convicted, of course, then be punished.

I hope to have something to say later about the whole subject.

Mr. GLASS. I hope the Senator will say something more definite in response to my question. [Laughter.]

Mr. WAGNER. I am sure that when I get through I will have persuaded the Senator that those of us who are sponsoring the legislation are right.

Mr. CONNALLY. Mr. President, the Senator from New York indulges a phantasy as violent as when he thinks this bill is within the Constitution. Whenever the Senator from New York convinces the Senator from Virginia that the Senator from New York is right—well. [Laughter.]

Mr. GLASS. The Senator from Virginia will then be convinced that he is wrong. [Laughter.]

Mr. BYRNES. Mr. President, let me ask the Senator from Texas, is there any difference between a mob and a gang other than a geographical difference?

Mr. CONNALLY. Yes; there is a voting difference sometimes. [Laughter.]

Mr. President, what the Senator from New York said was that it was not necessary to include gangsters, that they expressly exempt them because in New York State there is a law against murder. So far as I know, there is a law against murder in every other State, and when a man commits a homicide he is responsible to the State, and to no other jurisdiction, because it is the State law he violates.

The Senator from New York says there is no complaint about violations of the law in New York. Pick up any New York paper, pick up any Associated Press paper, not only today, but tomorrow, and tomorrow, and the next day, and see the lurid headlines concerning the activities of the gangsters—gangsters' operations against innocent citizens, gangsters' operations against rival gangsters, gangsters' operations against policemen, rescuing their "pals" and "buddies" from peace officers. But if they are gangsters in Chicago—where is the Senator from Illinois? [Laughter.] If they are gangsters in Chicago and New York, they are exempt from the law, they are above the law. The Senator from Illinois said there were no gangsters in Chicago.

Mr. LEWIS. Mr. President, the Senator from Illinois is here. Does the Senator from Texas call for the Senator from Illinois?

Mr. CONNALLY. The Senator from Texas was adverting to the fact that a little while ago the Senator from Illinois said that there were not any gangsters in Chicago, as I understood him.

Mr. LEWIS. When the able Senator from Idaho referred to gangsters in Chicago, the reply of the Senator from Illinois was, "Not Chicago!" [Laughter.]

Mr. CONNALLY. Mr. President, I would remind the Senator from Illinois that some years ago we read of what I think was known as the Moran gang in Chicago, when in a certain garage in Chicago they lined up a rival gang—I forget how many it was; 17 or 18 or 20—and shot 18 or 20 of them in one room. Does the Senator recall that?

Mr. LEWIS. Yes; and I am pleased to recall that we hanged seven of them for doing so.

Mr. CONNALLY. And the State did it. They did not have to go to the Federal Government to do it, and any other State that has red blood in it and knows its own responsibility and duty under the State constitution can do it.

The attitude of the Senator from Illinois is that Illinois can enforce her laws, but Illinois wants also to superintend and tell other States further to the south how to enforce and construe their laws.

Mr. LEWIS. I beg the Senator's pardon. He failed to catch the point, unless I failed to make it clear. Had Illinois failed to do her duty, had her officers not undertaken to punish those guilty, then the Federal Government would have have had a chance, under the proposed law, and a right to lay hands upon her.

Mr. CONNALLY. The Senator from Illinois is going the whole length. The Senator from New York is just about three steps ahead of the Senator from Illinois, which illustrates that whenever one begins to play with error, whenever one begins to compromise with error, he is inevitably drawn along with the current of the stream, and the first he knows he goes over the cataract and into the rapids to ruin. The Senator from Illinois started out against part of this bill, but he is going to wind up being for all of the bill.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Texas yield to the Senator from Tennessee?

Mr. CONNALLY. I yield.

Mr. McKELLAR. Speaking of crimes of gangsters in Chicago, I read:

In Chicago during 1926 and 1927——

Mr. CONNALLY. I think the Senator from Tennessee should turn and face the Senator from Illinois [Laughter.]

Mr. LEWIS. Yes; just a moment, if I may be pardoned. If this is intended as a reflection on Chicago, turn to me, and let us hear all of it.

Mr. McKELLAR. It is not a reflection on Chicago, unless the truth is a reflection on Chicago. This is what it says:

In Chicago during 1926 and 1927 there were 130 slayings by gangsters.

Yet the Illinois Crime Survey reports there have been no convictions in crime murders in Chicago during the period covered by this analysis, 1926 and 1927.

In 1934 there were but 15 people lynched in the whole United States. In Chicago in 1926 and 1927 there were 130 gang slayings. Yet the bill exempts gangsters and racketeers in Chicago and New York, while it applies to the rest of the country. It seems to me that we ought to take the beam out of our own eye before we get to fooling with the motes in other people's eyes. [Laughter and applause.]

Mr. LEWIS. Mr. President——

Mr. CONNALLY. I yield. The Senator from Illinois is to be congratulated on receiving such a greeting.

Mr. LEWIS. Mr. President, I gather from the remarks of my friend that this applause in the galleries, which ought not to be allowed by the Presiding Officer, under our rules, was in view of the fact that I had risen to respond to something. For that I express my appreciation. [Laughter.]

I wish to respond to the Senator from Tennessee, who alludes to the fact that in the great city of Chicago there were these offenses, as read from some report, the origin of which I know not, the responsibility of which is not certified. But this much I beg him to understand, that if that report states that there were no punishments of these offenses, it is wholly in error, though I admit they continued for a considerable time, much to the distress of the great city, but they have been greatly overcome by the vigilance of its officers and the commendable course of its mayor.

This much I must answer my friend from Tennessee, if these gangsters, even confessing them to be such, had been seized by individuals and lynched, or attempted to be lynched, and our officers had failed to protect them and give them the due process of law, they would be under this bill, should it be enacted.

Mr. McKELLAR. Mr. President, if the Senator from Texas will yield to me to answer the Senator from Illinois——

Mr. CONNALLY. I yield.

Mr. McKELLAR. The Senator from Illinois refers to the vigilance of the officers in Chicago. Let us see what the Illinois Crime Survey, a survey taken by the people of the Senator's own State, has to say about the vigilance of the officers there.

Mr. LEWIS. Who is it that makes the report?

Mr. McKELLAR. Just a moment. I read:

In Chicago, during 1926 and 1927, a total of 85 persons were reported as having been killed by the police.

They were not very vigilant.

Mr. LEWIS. It may be that somewhere, somehow, somebody from somewhere has made some report about something, and it may allude to the police.

Mr. McKELLAR. I read from the Illinois crime survey, with which the Senator may be familiar.

Mr. LEWIS. I realize that there are people around who make what may be called a "survey", but I know this, too, that there has been great effort on the part of the great city, and her State, as well as her county, to punish these offenders wherever they have arisen, and I regret that they have arisen in such large number, though it must be recalled it is in a population of practically 5,000,000. But this much the able Senator will say, if it were all true, it would not justify the seizing and lynching of a human being in any part of the country without opportunity of hearing or being brought before the court. That act would not be justified.

I therefore say, had these people of whom my able friend speaks as gangsters been seized by those who, with violence, would prevent them from having a hearing in the court,

should they be accessible to it, they would come within the provisions of this measure, just as well as any colored man who might be seized in the South, or one out on the Pacific coast in the oriental conflict which exists there.

Mr. McKELLAR. Mr. President, will the Senator from Texas yield further?

Mr. CONNALLY. I am very glad to yield.

Mr. McKELLAR. None of us justifies lynching. It is a horrible crime, in my view, just as it is in the view of the Senator from Illinois and of every other Senator. No one can justify it, no honest man but deplores it, no good citizen but deplores it. We have all tried to bring lynchings down to the lowest possible number, and if we let the States take care of handling it, the number of lynchings will gradually diminish. It has come down from a total of 232 in 1905, I believe, to 15 in 1934, and there have been even fewer since that time.

I pray to God that the day may soon come when there will not be any such crime in this country. But I say that the method in which the Senator from Illinois and the Senator from New York are undertaking to deal with this matter is wholly foreign to the Constitution and wholly foreign to our laws, wholly foreign to the best method of succeeding. I wish to say that when the Senator, through this bill, undertakes to exempt from the operation of the law the horrible crimes which are committed by gangsters in this city and in the city of New York, he is advocating something which should not be.

If its provisions are constitutional they would apply to all persons, regardless of who they may be, regardless of whether they are gangsters or racketeers or lynchers. Murder is murder, and it is the State's duty to condemn that murder.

Mr. LEWIS. I reply to my able friend from Tennessee that in some form or other some inspiration has driven him to exaltation of language that has no foundation in fact. There is nothing in this bill that I am aware of—I have not heard any such thing or read of it—that exempts from punishment those who are designated here as gangsters from Chicago. What I gathered from my friend the Senator from New York [Mr. WAGNER], unless I misunderstood him, was that he felt that those who ought to be punished were to be punished under the local laws.

Answering my able friend the Senator from Tennessee, I wish to say that I join him heartily, but I reserve the right to say that the mere fact that a man is designated as a gangster does not justify lynching him if he is charged with that offense. He should be taken before the court and punished. He should not be lynched. If an attempt were made to seize him because he is guilty of being a gangster, and an attempt is made to lynch him on the broad highways, such as now happens to people in our country, those having to do with such attempts would come under this law just exactly as in other cases.

Mr. McKELLAR. Mr. President, if the Senator will permit me, I will call his attention to something which recently occurred. I am sorry that the Senator from New York [Mr. WAGNER] is not here. I read in a newspaper a few days ago that a little girl, 3 or 4 years of age, was brutally, criminally assaulted in the city of New York and then killed, and it was afterward alleged that the man who had committed this crime had destroyed more little girls during the last year than there were persons lynched in 1936. In that year, 1936, only eight lynchings occurred in the United States. Yet here was one man, who has not yet been punished, so far as I know, and no efforts have been made to punish him. I think he is going to be sent to an asylum for destroying 3- or 5-year-old little girls. Yet we find the Senator from New York here trying to pull motes out of the eyes of people of other States and letting his own State go to wrack and ruin.

While I am on my feet I wish to say something about the city of Chicago. The other day the distinguished Senator from Wisconsin [Mr. LA FOLLETTE] had shown a picture of what took place during a riot in Chicago only a short time ago. The picture showed that the officers of the law brutally shot down persons who had gathered together for picketing purposes. I ask the Senator from Illinois, who is so much concerned about the 8 or 10 people who are lynched throughout the country during a year—and he ought to be concerned about them, and I say that I deplore the lynchings as much as he does—I ask the Senator from Illinois, Has he taken any steps in his own city to prosecute those police officers who brutally shot down members of that crowd?

Mr. LEWIS. In the first place, Mr. President, I ask the Senator from Tennessee a question. Does he, when he aludes to that unhappy and brutal incident that occurred in New York, advocate that the man who committed the offense should be lynched?

Mr. McKELLAR. No, Mr. President; but I think he ought to be punished.

Mr. LEWIS. He ought to be punished.

Mr. McKELLAR. He should be punished to the full limit of the law of the State of New York, but not by an attempt to pass a bill like this.

Mr. LEWIS. That brings us back again to whether New York shall punish according to what the able Senator or any humane man would think that man deserves.

I go to my city of Chicago. Since my able friend did not offer the illustration to prove that there are those whom he thought ought to be lynched, let me say that as to Chicago it is true a very unhappy labor dispute seems to have developed into such violence as cannot be denied as coming within a riot, and concerning that riot there is great dispute. One set of photographs in the hands of the able Senator from Wisconsin discloses a condition of assault utterly inexcusable, if true.

Mr. McKELLAR. Assault by the police officers, which is utterly indefensible, and I challenge the Senator from Illinois to say whether a single one of those so-called peace officers has been indicted by the State of Illinois.

Mr. LEWIS. While another set of pictures and another report from the coroner's jury show just to the contrary, and both of those pictures and reports, which show this dispute, are before the committee, and I have no doubt at the proper time will receive very just consideration.

The State's attorney of the city of Chicago has reported that he has proceeded with a grand-jury hearing for the purpose of indicting under the criminal law all of those who were engaged in this undertaking, deplorable as it was. He is taking steps for the purpose of indicting those who appeared to have violated the State statutes of Illinois. I can answer the question only from the information that has come to me, and I give it to the Senator exactly as it was given to me.

Mr. McKELLAR. That is very different from having information in the hands of officers. Why does not the Senator include those infractions of the law when the officers seem to be utterly oblivious to what is right and proper? Why does not the Senator include that in this bill? Why does he want to go to other States to take the proposed action?

Mr. LEWIS. Does the Senator hold that because of these offenses, which I must say are deplorable, he advocates that those guilty of them should be lynched?

Mr. McKELLAR. No.

Mr. LEWIS. Does the Senator then answer and say that this bill should include a provision that the Federal Government should step into the State of Illinois to take charge of punishments for infractions of law in the case of a riot?

Mr. McKELLAR. No; I do not think so. I do not think this bill should include those crimes, or any of the crimes that are now attempted to be included in the bill. I do not think we have anything to do with them. I think punishment for such crimes is up to the State.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Texas yield to the Senator from Idaho?

Mr. CONNALLY. I yield to the Senator from Idaho to ask the Senator from Illinois a question, or vice versa.

Mr. BORAH. I want to ask if the Senator from Illinois can explain that which has not yet been explained—why it was thought necessary specifically to exempt gangsters from the operation of this bill? Here is a bill that was framed to apply against mob violence, and gangsterism is mob violence. Why was it thought necessary in legislating against violence carefully to exempt gangsters lest they might be caught in the web of the law?

Mr. LEWIS. I will say to my able friend that as he knows I was not on the committee which considered the bill, but I am informed that the able Senator gives a construction to the bill, as likewise does my friend the Senator from Tennessee [Mr. McKELLAR], that is not justified with respect to the question of lynching of people who are called gangsters.

Mr. BORAH. Let me read the provision of the bill to the Senator:

> Any such violence by a mob which results in the death or maiming of the victim or victims thereof shall constitute "lynching" within the meaning of this act: *Provided*, however, That "lynching" shall not be deemed to include violence occurring between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers—

Tell me why, in framing a law against mob violence, against mass violence, it was so necessary carefully to exempt gangsters, lest you might get them in the web of the law? [Manifestations of applause in the galleries.]

The PRESIDING OFFICER. Demonstrations on the part of occupants of the galleries are absolutely forbidden by the rules of the Senate. There must be no such demonstrations.

Mr. LEWIS. Mr. President, as the Senator from Idaho knows, I am not on the committee. I did not help prepare the bill. I greatly opposed, as I have announced time and time again, and continue to oppose the feature of the bill that assumes to lay a penalty of dollars and cents against the innocent because of the offense of some officers who might violate the law. I can only assume that what is intended by the bill is not to take from the State authorities the right to punish those called gangsters under the provisions of the laws of the States wherein they are being prosecuted. I must say to my able friend that, despite the construction my able friend gives to the law, it is my judgment, as I have expressed it before, that if any gangster were seized and an attempt were to be made to take him out of the hands of the officers of the law and deny him the right of due process of law before court and jury and to lynch him, those guilty of such a crime would come absolutely within the law, because that would be lynching the individual, and such act would come within the provisions of this bill, and those guilty could not escape its provisions.

Mr. BORAH. Mr. President, if the Senator would carefully study the bill, I think he will find that his construction does not come within the terms of the bill.

We know that gangsterism for the last quarter of a century has been a serious evil. We know that gangsters have gone in with the underworld for their complete organization; they elect their officers, they have their counsel, and they have their complete organization, and it has been said over and over again by officers and by the public press that the officers of the States have been unable to cope with them.

To me it is the most astounding thing that I know of in legislation that in framing a measure against violence you are carefully exempting gangsterism from the operations of the law. I think the labor world will be pleased to know that the gangster and the picketer are placed upon the same level.

Mr. LEWIS. Would my able friend advocate by these observations that those who are called gangsters should be lynched?

Mr. BORAH. No; of course I do not advocate that they should be lynched. What I am saying is that you are legislating here and claiming the right to legislate within the State against violence. You claim that the States are not able to enforce the law. You say, therefore, the Federal Government should step in. If there is any exhibition of a failure to execute the laws of the States of this country, it is in connection with gangsterism.

It is more completely so than any other kind of crime, and when you come to write the law against violence on the theory that the State cannot enforce the law you carefully exempt gangsterism from the operation of the law. I say "you", not meaning the Senator; he is not making the law—but I refer to those who are offering it.

Mr. LEWIS. I understand my able friend and ask him this question: This bill, as I understand it, is not framed on the theory that the officers of the State cannot execute the law, because, if it were and the Federal Government assumed to enter upon the ground that the State was not able to execute the law, we would have a very important question of difference; but it is based on the theory that the officers of the State will not enforce the law, and, with an opportunity of protecting individuals, white or black, allow them to be seized by force, injured in one form or another, or maltreated to their death, with the officers of the law conspiring toward the deed, either by action or inaction. It is not a question of whether they are powerless.

Mr. President, this bill——

Mr. BORAH. I do not know just when it was, but it was not long ago, the Senator will remember, that an assistant district attorney in the city of Chicago was seized by gangsters and was killed. His killers have never been prosecuted. It was said it was because the prosecuting officers were afraid that would happen to them which had happened to the assistant district attorney. Why should you exempt that class of sordid brutes from the operation of this proposed law?

Mr. LEWIS. I beg to remind my able friend that he has been misinformed. We had a most remarkable prosecution in the city of Chicago of a man named Jacob Lingle. The charge was that he was guilty of just the offense to which the able Senator refers. I remind the able Senator that the prosecution was by the distinguished gentleman who has lately been the nominee for Governor upon the ticket of the great party known as the Republican Party. The prosecution was conducted with great power and great zeal. That there was an acquittal was due to the lack of evidence. I assure my able friend he has been misled in the assumption that there was no prosecution.

Mr. BORAH. The man of whom the Senator speaks is not the person I had in mind. The Senator refers to a man named Lingle?

Mr. LEWIS. Yes. There was a prosecution.

Mr. BORAH. I am speaking of the assistant prosecuting attorney who was murdered.

Mr. LEWIS. I think my able friend is alluding to a case involving a man named McSweeny or some such name. I read about that. He was an assistant State's attorney.

Mr. BORAH. He was assistant State's attorney.

Mr. LEWIS. I must say that I do recall that there was a killing, but I am not able to say as to what the subsequent and final legal action was. I must say frankly it is not now in my mind.

Mr. BYRNES. Mr. President——

Mr. CONNALLY. I yield to the Senator from South Carolina, if the Senator from Illinois has concluded.

Mr. BYRNES. Mr. President, a few moments ago the Senator from Tennessee referred to a case in New York where a man criminally assaulted a 5-year-old girl and then killed her. Under this bill that man could not be punished.

Mr. CONNALLY. Oh, no.

Mr. BYRNES. But if three men, relatives of that little innocent child, in sudden heat and passion engendered by the great wrong perpetrated, lost control of themselves and had killed that man, then that would have been a violation of this proposed law of the United States Government?

Mr. CONNALLY. Certainly.

Mr. BYRNES. And the preachers and other law-abiding people of the county where that occurred would have been forced to pay for the action of those three men in killing the

scoundrel who had destroyed and taken the life of that little child.

Mr. CONNALLY. Exactly. Mr. President, the incident to which the Senator from South Carolina alludes, that of a horrible, unspeakable crime committed in New York, causes me to say this: I abhor lynching; I abhor violence; I abhor murder; but I can understand something of the feelings of a father or of a son when he returns to his household and finds it violated, when he finds that murder has been done, when he finds the bleeding and mutilated form of a wife or mother or sister weltering in blood. I can understand something of the terrible passions that, in a moment of frenzy, stir the hearts of loved ones and of neighbors and causes them in such a time rashly to take the law into their own hands. So I can understand the suggestions of the Senator from South Carolina. The fiend, the inhuman brute, who strangles an innocent child and violates her person would go free under this proposed law, but if the family or neighbors, in a moment of passion, should wreak vengeance upon the horrible beast they would be haled into a Federal court and the citizens of that county or State would be made to pay the penalty in money to the kindred of the perpetrator of the horrible crime.

Mr. President, the Senator from Illinois could not and did not answer the Senator from Idaho as to why gangsters are especially exempted from the provisions of this bill.

Mr. BONE. Mr. President, will the Senator from Texas yield for a question?

Mr. CONNALLY. I yield.

Mr. BONE. I have listened with a great deal of interest to the argument, and there has been so much discussion of "gangsters", and how utterly mad and abhorrent they are, that, as I examine the language of the pending bill, I wonder how it might be amended to accomplish what has been suggested and yet not put the measure in rather a peculiar position before the Senate.

Mr. CONNALLY. The Senator from Texas is talking about the bill as it is presented to the Senate. He is not talking about how it may be amended. The only way it can be amended to suit the Senator from Texas is to strike out all after the enacting clause.

Mr. BONE. I am only concerned as to whether the Senator is willing to have me ask him a question.

Mr. CONNALLY. Yes; I am willing to have the Senator ask me a question, but I cannot answer as to what may be introduced by way of amendment to the bill. If, however, the Senator wants to ask me something about the bill I shall answer.

Mr. BONE. Let us take the bill in its present form. That is what I want to ask about. Many references are made to "gangsters."

Mr. CONNALLY. Except by the authors of this bill, they are proposing to exempt gangsters from this bill.

Mr. BONE. Will the Senator permit me to ask the question?

Mr. CONNALLY. I assume that the Senator from Washington is for the bill as it is written?

Mr. BONE. It says in the bill, on page 9, that any such governmental subdivision shall be liable in damages to the family of a dead gangster if other gangsters "bump him off", although he had been guilty of bloody murder.

Mr. CONNALLY. Where does the bill say that?

Mr. BONE. Read the language on page 9:

> Any such governmental subdivision which shall fail to prevent any such lynching or any such seizure and abduction followed by lynching—

That is, in effect, the situation when gangsters "bump off" one another.

Mr. CONNALLY. Has the Senator read page 7, line 10?

Mr. BONE. I am not going to read out of the bill that which is written into it. I merely want to know whether it is bad to keep gangsters from "bumping" one another off. It is said that a bad social disease tends to eradicate itself, and I am not beating my breast because gangsters "bump" one another off.

Mr. CONNALLY. The Senator from Washington is, then, in favor of gangsters if they will "bump" each other off?

Mr. BONE. If the Senator has any objection to a bunch of underworld thugs and assassins "bumping" one another off, he can get what satisfaction he can out of it.

Mr. CONNALLY. I assume the Senator approves of two bunches of gangsters engaging in war with each other, and then, if they "bump" each other off, that is fine?

Mr. BONE. It does not pain me any if a bunch of assassins and thugs in the underworld "bump" each other off.

Mr. CONNALLY. Assassins and thugs! The Senator from Washington is willing for two groups of assassins and thugs to murder each other and not be amenable to the law, but he wants to punish two or three individuals, father and sons or brothers of a woman who has been mutilated and killed and whose person has been violated, because, they in a moment of passion, wreaked vengeance on the brute that assaulted her, and he wants to let walk free the streets for years gangsters who make war on other gangsters and murder them?

Mr. BORAH. Mr. President, I should like to call the attention of the Senator from Washington to this language, which I think modifies the effect of the language which he has quoted:

> Any such violence by a mob which results in the death or maiming of the victim or victims thereof shall constitute "lynching" within the meaning of this act: *Provided, however,* That "lynching" shall not be deemed to include violence occurring between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers.

The effect of that would be that if the violence was committed by a mob, although it was a gangster mob, and resulted in the death or maiming of the victim or victims, having been committed by a gangster organization, it would be exempted under this bill.

Mr. BONE. I do not think the Senator from Idaho or any other Senator can find anyone in this body who condones violence or crime, but I do not think we need agonize over those whose hands are imbrued with blood, those who are prefessional killers. I do not think we need agonize over the fact that some professional killer "bumps" off another, if I may use a vulgar expression. I do not condone violence; but I cannot quite understand the argument of the Senator from Texas, who seems to be disposed or determined to put in the mouths and minds and wills of other Senators a defense of assassination and murder. The Senator is not fair in doing that, and he knows he is not fair in doing that.

Mr. CONNALLY. We shall see from the reporters' notes what the Senator said. The Senator from Washington is charging the Senator from Texas with not being fair. I ask Senators to bear witness to the fact that the Senator from Washington asked why should anybody complain if two bunches of gangsters "bump" each other off. Did not the Senator say that?

Mr. BONE. I said that gangsterism is like a social disease which has a tendency, like many other bad things, to eradicate itself, and gangsterism is a social disease largely confined to the large cities.

Mr. CONNALLY. In all fairness——

Mr. BONE. The Senator is making the speech. I am not making the speech.

Mr. CONNALLY. The Senator is not going to get away with that, either. The Senator from Washington has charged the Senator from Texas with being unfair. I suppose he means unfair in quoting him.

I challenge the reporter to bring his notes here, and I now ask the Senator from Washington whether he did not say on the floor of the Senate, in answer to the Senator from Texas, that he could see no reason why anybody should be worried about "two gangs of gangsters bumping each other off"?

Mr. BONE. Mr. President, the Senator may go ahead with his speech. [Laughter.]

Mr. CONNALLY. I challenge the Senator to say whether he said it or not, and he says nothing. Let the RECORD

answer as to whether the Senator from Texas was fair or unfair.

Mr. BONE. I shall make answer with my vote when the proper time comes.

Mr. CONNALLY. That is what is in the mind of the Senator from Washington, to vote not only his own vote, but how he can get some other votes on the bill.

Mr. BONE. May I add another thing? Let me say to the Senator that the votes to which he is alluding are, in my own State, so infinitesimal a part of the population that the Senator's argument has little or no weight.

Mr. CONNALLY. No; but that infinitesimal group the Senator loves better than he loves his duty under the Constitution and the decisions of the Supreme Court. Does the Senator want me to yield again? [Laughter.]

Mr. President, I dislike to repeat, but Senators go out for lunch or to confer——

Mr. LEWIS. Mr. President, of course it is not to evade the speech of my able friend from Texas, who is much too attractive and too learned, and in his discussion too informal.

Mr. CONNALLY. I thank the Senator from Illinois. If he were as wise as he is courageous and gallant he would not be voting for this bill.

Mr. President, let me say to the Senator from Washington [Mr. BONE] in all good temper—and I do not intend to be otherwise. The remarks I made were sharp, but they were sharp because the Senator from Washington first attacked the fairness of the Senator from Texas. I want to invite his attention to the language which was quoted by the Senator from Idaho [Mr. BORAH] as it appears on page 7 of the bill:

> Any such violence by a mob which results in the death—

That is one thing—

> or maiming of the victim or victims thereof shall constitute "lynching" within the meaning of this act: *Provided, however,* That "lynching" shall not be deemed to include violence occurring between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers.

That carries out the idea of the Senator from Washington. If two gangs of gangsters want to go out and kill each other, let them do it. Who is going to pass on it? Nobody. Let them pass on it themselves. Two gangs of gangsters, and it is said, "as long as they bump each other off, let them do it."

Mr. President, the Congress of the United States has no right to regulate either gangsters or other private individuals under the State laws and functions. If the States fail, then this Union fails because when the States fail to have a sense of responsibility, when the citizens of those States of ours cease to be patriotic, when they cease to have an interest in public affairs, the Government of the United States will fall because every citizen of the United States is a citizen of some State.

This theory of imperialism, this theory that the States are not able to govern their own affairs, but that there is here in Washington some all-seeing eye, some all-wise personality, some all-wise power, that knows better than the States themselves do as to what their laws ought to be and as to what the duties of their officers ought to be, involves a doctrine which is repugnant to every conception of free government and constitutional liberty that can be found anywhere in history. That is the doctrine of the Caesars. Well did the Senator from Illinois [Mr. LEWIS] refer to Caesar. He said that when Caesar came to the Rubicon it was a question as to whether he would fight his enemies and take over the power of Rome or not. He said, "The die is cast", and plunged into the red tide of the Rubicon. From that day the liberties of the Roman people began to wane. From the day that Caesar's power began to increase, the rights and liberties of the Roman citizens began to decline.

He was followed by Augustus Caesar, a benevolent despot, Augustus Caesar, not by one stroke of the pen or one stroke of the sword. Augustus Caesar pleased the people and appealed to them as being a man who was just and fair and devoted to their interests. Gradually he gathered into his hands this bureau and that bureau, this power and that power and the other power. At last Augustus emerged as the Emperor of Rome and the liberties of the Roman people gradually disappeared, not because Augustus was not benevolent, for he was benevolent. He was a benevolent despot, but the power which Augustus Caesar gathered into his own hands under the plea of his benevolence afterward came to be exercised by a Nero and by a Caligula.

Mr. President, that is the dream of empires which the Senator from Illinois [Mr. LEWIS] suggests. Let Washington say whether the States are performing their functions. Let some distant authority here in Washington say whether the State officer has performed his duty not under Federal law but under a State law.

Mr. President, that is the doctrine of a Caesar. That is the doctrine of the czars who sent their emissaries and agents all over Siberia. That is the doctrine of the Roman emperors who sent their pro consuls and agents into all the known provinces of the world and compelled them to pay tribute to Rome. "Here in Rome sits imperial power, imperial wisdom, and the imperial power to do all things."

Mr. President, when that time comes in America there will no longer be an America. It may still exist in name, it may still be a shell, but America as its founders knew it, America as George Washington knew it, America as the founders of the Constitution knew it, America as the pen of Thomas Jefferson in prophecy flung the dream of America in the face of a foreign king will have disappeared from the life of the nations of the earth.

Mr. President, I am opposed to the Federal Government under the pretense, under the pretext, under the mere excuse of undertaking to guarantee the rights of citizens under the fourteenth amendment to the Constitution, lynching the power of the States themselves and lynching innocent citizens in the counties and penalizing them and bringing them into the Federal courts in response to claims for damages.

Mr. President, such was our conception of the balance of power between the States and the Federal Government. Over the years, of course, there has been a gradual increase in the power of the Federal Government, and a lessening somewhat of the powers of the State, but that has been largely because of the development of quick communication by wire and rapid transportation by airplane and all that kind of thing. But the fundamental thing, the fundamental balance of power between the States and the Federal Government still exists. It is one thing left in the constitutional structure that we ought to preserve and maintain.

If we are going to exercise supervision over all the activities of the States, if the Federal Government is to sit in judgment on a State officer as to the manner in which he has performed his duty to the State, then there is no vestige of authority left to the States. Why, Mr. President, it is the business of the people of the States to pass judgment on whether or not an officer of the State has carried out and enforced the laws of the State. It is the business of the Federal Government to pass judgment on whether a Federal officer has performed his duty. What would be said of a State which should undertake to enact a law saying how a Federal officer located in the State should perform his functions? If a State should undertake to hold a collector of internal revenue or a United States marshal or any other Federal officer accountable for the manner in which he performed his duty to the Federal Government, those who interfered with him would not only have their authority stricken down, but they would probably be called into a Federal court to answer for contempt or be imprisoned for interfering with a Federal officer.

How can the Federal Government maintain its sovereignty and the prestige of its agencies and the integrity of its instrumentalities while at the same time saying to the States and their subdivisions, "We will go into your State and undertake to supervise the activities of your officers. We shall make their activities subordinate to our will. We shall dictate to them how and when and where they shall perform their duty"—not their duty to the Federal Government, but to the States themselves.

Mr. President, a few more words, and I shall have concluded.

Earlier in the day I quoted some of the decisions of the Supreme Court. Their books are full of decisions on the fourteenth amendment. On yesterday the Senator from Idaho [Mr. BORAH] referred to the case of Harris and others. I shall not again burden the RECORD with that reference. That was a case in which a Federal act prohibited persons from congregating on the highways and interfering, just as this bill seeks to prevent, with persons in their civil rights. The Supreme Court invalidated the act because the Court said the act was beyond the power of Congress under the fourteenth amendment.

In Virginia against Reeves, Mr. Justice Strong said what I am about to read. Mr. Justice Strong was a Republican judge, a great judge from Pennsylvania. He said:

> These provisions of the fourteenth amendment have reference to State action exclusively, and not to any action of private individuals.

Holding that the Federal Government under the fourteenth amendment could not deal with individuals, but could deal only with State action and State laws.

Mr. President, we are appealing to the Senate today. We are appealing to its judgment and not to its prejudice. We are appealing to the limitations of power upon the Congress, and not to its extravagances in grasping for an unjust power. We are appealing to the patriotism of Senators, rather than to their political proclivities; but, Mr. President, we are contending, and I believe justly, that the pretensions of this bill are wholly beyond constitutional power. If we believe that to be true, it is our solemn duty to reject the bill, notwithstanding the political pressure that may be brought to bear upon us to enact it.

Mr. President, if the Constitution of the United States is maintained, it ought to be maintained here in this Chamber. This is a great forum. This is a great assemblage, made up of 2 representatives from each of the 48 States.

I know of no place on the planet greater in authority of its kind, greater in dignity, or attracting more the respect of the world, than the Senate of the United States. But, Mr. President, though we come here with the commissions of our States, though we come here as a result of our election by the voters of our several Commonwealths, we cannot perform our duties in the Senate until we first hold up our hands and take a solemn oath to maintain and defend the Constitution of the United States. That is a prerequisite. So, Mr. President, if the Constitution is to be maintained, it ought to be maintained here, in this sanctuary, as it were.

I plead with Senators not to be influenced in voting on this proposed legislation simply by the passing fancy of an hour. Read the bill; consult the Court decisions; read again the fourteenth amendment; and I am convinced that when the appeal is made to your judgment, when it is made to your sense of fairness, you will not vote to take up this bill, and thereby disrupt the legislative program which is now before us.

It was once said here in the Senate—

> This house is a sanctuary, a citadel of law, of order, and of liberty. Here will resistance be made to the storms of political frenzy and the silent arts of corruption; and if the Constitution be destined ever to perish by the sacrilegious hands of the demagogue or the usurper—which God avert!—its expiring agonies will be witnessed on this floor.

Mr. President, if we here in the Senate do not respect the Constitution, if we do not observe its injunctions, if we are not faithful to our obligations under it, how can we expect the citizenry of the Republic to respect it, and look up to it, and revere it, and honor it, and love it?

Mr. President, by no vote of mine shall I transgress the powers that belong to the Federal Government in behalf of the States; neither by any vote of mine shall I strip from the States, in violation of the Constitution, the powers that from the day of its birth to this living moment have been possessed by the States of the Union.

Mr. PEPPER. Mr. President, there is no Senator in this body for whom I have learned to have a greater affection and esteem than I have for the Senator from New York [Mr. WAGNER]. Neither is there anyone in this body who has more the right to say that he comes from the soil of the South than have I; for since long before the days of our national independence I have never had an ancestor who was not born in, did not labor with, and did not finally leave his bones to bleach in the soil of the South that I love.

Neither, Mr. President, have I one word of sympathy to extend to any man who does not appreciate the loyalty, the generosity of spirit, and the faithfulness of the colored race. I was born amongst them. I grew up with them. I have literally lived in their environment all of my life; and I have not one word to indicate countenance for any man who deals an injustice to one of these of another color. But I do believe, Mr. President, that the aspirations of the Senator from New York and the others who are the proponents of this measure are to be deemed better than the judgement with which they push this proposal; and that is the reason why I address myself to it before the issue has come directly before us for consideration.

Mr. President, I respect any laudable aspiration. I appreciate the sentiments of the Senator from New York, who has labored as few men have to ameliorate the conditions of the underprivileged in every part of the Nation.

My heart goes with his in the sympathy which he extends to the man or the woman or the child who needs help, a better economic opportunity, a larger spiritual and mental horizon, a greater objective in life. But, Mr. President, I do not believe that the Senator from New York would like to see the monumental achievements which he has caused to be written into the annals of this body disparaged in the minds of those who will hereafter be critical observers of our conduct by any measure unworthy of the great objects which he has been able to attain in the past.

I am sure the Senator desires that he be not castigated as one who would level the sharp weapon which he wields, both in hand and in mind, not against a condition, but against a particular section of the country which he has tried so hard to help; and yet I am sure there is no man in this Chamber who does not appreciate that the purport, the intent, and the primary effect of this proposal are directed against the Southeastern portion of the United States of America.

Mr. President, lynching is no new crime in the United States, nor is it an increasing offense.

In the period from 1889 to 1899 in the United States there was an average of 187.5 lynchings per year. In the period from 1900 to 1909 that average had fallen to 92.5 per year. In the succeeding 9 years, 1910 to 1919, the average had fallen to 61.9 per year. From 1920 to 1924 the average was 46.2 per year. From 1925 to 1929 the number was 16.8 per year. The greatest decline in all the era of which I have spoken was contemporaneous with the greatest economic prosperity this Nation has ever enjoyed.

Now note what the tendency thereafter, and the correlations, were:

In the year 1931 the number of lynchings in the United States fell to 13.

In the year 1932 the number throughout the entire United States fell to nine, and that marked the period when we began to reach the pit of the depression and all of the social ills which ensued therefrom. In the year 1933 the lynchings, not in the United States but in the South, jumped from 9, in 1932, when the accumulated savings of the people of this Nation had been dissipated and destroyed, and when the national aspiration was at the lowest point then within the memory of this generation, back to 29.

Then, for the year 1934 the number was 17. In the year 1935 it was 23, and in 1936, when economic conditions in this

country were again on the upgrade, under the masterful leadership and guidance of the Democratic Party and its incomparable leader, the number went down to 10. For the year 1937, more than one-half of which has passed, the number has been five.

Mr. President, I propound this inquiry to my friend the Senator from New York and to the other proponents of this measure: Have the people of the South endeavored to prevent this crime from occurring within their borders? Have they indicated their desire that human blood shall never be spilled in that violent and illegal manner by the improvement in public sentiment, the enforcement of the law, and the amelioration of the circumstances out of which the passions which result in lynchings arise? Have the people of the South tried to do their duty in the elimination of this offensive crime? If they have, are their efforts to be rewarded by appreciation from their fellow citizens, or are their efforts to be stigmatized by such humiliating coercion as is attempted by the proposed legislation?

In the first place, Mr. President, this measure is futile. I am sure that it is not necessary that I be other than frank in discussing whether or not any legislation can effectively go contrary to the sentiments of a people. A long time ago this Nation wrote into the organic law which governs this country a prohibition against interference with the right of the colored man to vote, because that was the intent of the fifteenth amendment. Within the memory of my own father that was followed up by Federal soldiery, which stood at the ballot box in my own native State of Alabama and tried to put into effect, under the bayonets of the Federal Government, that constitutional provision.

The amendment to which I refer has not been repealed; it is still a part of the Constitution of this country. It still is an elemental part of the organic law of this Nation, which every Executive is sworn to enforce. Yet how many of the colored race vote in my section of the country? And why do they not vote? Because it is not deemed a permissible policy that they should, under existing circumstances, exercise the privilege of sovereignty through the ballot.

Whatever may be written into the Constitution, whatever may be placed upon the statute books of this Nation, however many soldiers may be stationed about the ballot boxes of the Southland, the colored race will not vote, because in doing so under present circumstances they endanger the supremacy of a race to which God has committed the destiny of a continent, perhaps of a world.

Mere legislation does not change dynamic social conditions. Legislation will not restrain those whose passions have been aroused by some crime which provokes lynching in certain places, because there are offenses for the correction and retribution of which any man would not only suffer the penalty which might be exacted by this statute, but would forfeit the life an Almighty God has given him.

Mr. President, if the sheriff who is to be prosecuted in the district court of the United States under this measure is not to have the right of trial by jury taken away from him, he is not going to be convicted of a violation of the proposed statute if he has made any semblance of effort to prevent the crime of lynching. So do I say that if the right of trial by jury in a civil case is not to be taken away, a jury impaneled from the district court of the United States and its jurisdiction is not going to award damages against a citizenry which was not responsible for the violation of the law.

Do southerners, Mr. President, have thrust upon them a greater burden in the selection of their officeholders than citizens of any other section of the country? Are they to be the guarantors of the conduct of their officers, whereas other citizens simply exercise their best judgment, without penalty for any error in judgment?

It is worse than that, however. As a matter of fact, the proposed legislation, the legislation which is now proposed by the gentlemen who live in the financial and economic centers of this Nation, raises a very great and interesting moral question. Do Senators know that statistics reveal that there is a direct relationship between the price of cotton and the number of lynchings? I repeat, if I may, do Senators know that there is a direct statistical relationship between the price of cotton and the number of lynchings in the South? Any Senator in this body will obviously see the cause of the correlation.

I raise the moral question, Is the man who crazes the mind of the lowly and uneducated with strong drink an innocent causative force behind the crime the victim of such intoxication will commit? If the answer is that he is not innocent, I ask another question. Is the economic power which impoverishes a section of the country and a portion of the people, and drives them into a state in society in which a condition of ignorance and in which a condition of poverty exist—is that economic force innocent as a causative force of the crime of lust or of passion that may be behind a crime committed as a direct result of those conditions?

Mr. President, I say to my friend the Senator from New York, the greatest humanitarian in this body, in my opinion, if he wants to alleviate lynching, if he wants to prevent the recurrence of that crime, then let him join in making it possible for the children of the Southland to get an education by so distributing the wealth of the country, through Federal legislation, that we, who are incapable, by a given percentage of our wealth, to educate our colored people, may be enabled to lead them in the direction away from crime rather than toward it.

I ask those who would be the proponents of this measure if they would not better repent for the sin that has been inflicted upon the consuming sections of this country for generations by a vicious tariff system, and redistribute the wealth which has thus been exacted from the section which this bill is designed to penalize.

I ask, Would not breaking the throttle monopoly has upon the throats of the people of this Nation resident in certain sections of this country do more in the long run to prevent this sort of crime than legislation of this character?

I ask, If such regulation of the transportation facilities of this country as would give to the Southland a fair freight-rate structure and enable a manufacturer in Florida and Georgia and Alabama and the other States of the South to enter as a competitor in the markets of this country, and thereby enable him to pay a fair wage for those who render a fair day's service, and therefore to get an education and live in a decent house and wear decent clothes, and thereby live in an environment that leads away from crime, would not do more toward freeing the South from the seed from which such offenses grow than the proposed legislation?

And, Mr. President, one other inquiry. Referring to those from the North—and many of them we welcome—who come to the southland and find there our resources that grow in plenitude in the bowels of the earth, which God has blessed with His munificence, would not they better abstain from exploiting the labor of the South while their pockets are filled with ill-gotten wealth, in many instances wrung from the sweatshop methods that our children and women and impoverished people have to countenance? Would not they do better, Mr. President, to pay a fair wage and a fair part of the profit which is justly theirs, rather than to pauperize our people and then come back and condemn them for the inevitable consequences of their impoverishment?

So, Mr. President, I raise in the minds of Senators who are conscientious proponents of this bill the question, Is it not better that they try to alleviate the lot of the unprivileged of our people rather than that they should humiliate us with legislation of this character? And would it not be better, Mr. President, for them to aid us in the efforts we are making to eliminate this condition rather than to castigate every effort we have made toward self-improvement?

Therefore, Mr. President, may I paraphrase the words uttered long ago by one of the greatest and most eloquent of the southerners, when Henry W. Grady said there was

an old South, a South of slavery of secession; "but that South", he said, "thank God, is dead." I say now there is another South. It is the South which has tried to maintain intact the best of its traditions of the past, which has come into the birth of a new day as an economic entity in the area of this Nation; a South whose aspirations, Mr. President, reach far beyond the horizon even of tomorrow; a South which dreams of a time when it may be permitted to come back into the confederacy of States without discrimination against its people and may enjoy full fellowship and complete brotherhood in the family of States that make up this the greatest nation under the sun or the stars at night.

So I say, Mr. President, I appeal to the humanitarian sentiments of my friend from New York [Mr. WAGNER] and his colleagues: Do not turn your hands against those who are trying to progress. Do not lay your heavy hands upon this beautiful flower of a new civilization which is emerging from the dear Southland to glorify and to ennoble the traditions and the history of the United States.

Mr. BARKLEY. Mr. President, I have attempted all during this discussion to impress upon the Senate the fact that I had no desire to delay or prevent the consideration of this bill. I have felt all along, and I feel now, that it is entitled to be considered on its merits, free from entanglement with any other legislation.

The bill has passed the House of Representatives by a very large majority. It has been reported from the Committee on the Judiciary of the Senate and has now been on the calendar for several months.

The importance of the subject and the interest of millions of persons in it entitle it to consideration. I think those who oppose the bill are compelled to recognize the fact that it ought to be considered during this Congress. I certainly think it ought to be considered during this Congress, and it is my desire that it be considered during the present Congress.

However, in the juncture in which we find ourselves at this time, I have felt it my duty to confer with the authors of the bill, the Senator from New York [Mr. WAGNER], the Senator from Indiana [Mr. VAN NUYS], and other Members of the Senate who are sponsoring and supporting the proposed legislation. I have also conferred with as many as I could reach among those who at the time are not able to support it. Therefore, with the cooperation of the Senator from New York and the Senator from Indiana and others, I should like to suggest that the wisest and best way to dispose of this question at this time is to make the bill a special order for consideration immediately upon the conclusion of the crop-control legislation at the next session of Congress. I have a motion to that effect, which I cannot make unless the Senator from New York [Mr. WAGNER] withdraws the motion which is now the pending business; and I ask the Senator from New York if he is willing to take that course.

Mr. WAGNER. Mr. President, I have been endeavoring to cooperate with our distinguished leader, and so have others of us who are interested in this measure, and in securing its final passage. If it is posible to procure a definite place for it upon the calendar following the consideration of the crop-control bill, I wish——

Mr. BARKLEY. Mr. President, the motion I have prepared and will offer makes the bill a special order to be considered immediately upon the conclusion of the consideration of the crop-control legislation at the next session of Congress, whether that is in January or at a session held sooner than that.

Mr. WAGNER. Very well.

Mr. ASHURST. Mr. President, the suggestion of the able Senator from Kentucky to make the bill a special order has certain implications of which the Senate may not be aware. The Senator from New York must remember that if the bill is made a special order, and is not voted upon, it will go back to the calendar. A special order is valid only during the time the bill is considered. If the Senator wishes consideration of the bill, he will ask that the motion contain the language "shall be made the unfinished business"; not a special order.

Mr. BARKLEY. Mr. President, I have taken the precaution to confer with the parliamentary clerk about the matter. If the motion I shall offer shall be agreed to, the bill will not only become the special order but will become the unfinished business, and will remain such until it is disposed of. Like any other bill that is made the unfinished business, it will be subject to whatever action the Senate may take.

Mr. ASHURST. Does the motion declare it to be the unfinished business?

Mr. BARKLEY. No.

Mr. ASHURST. Then I wish to add, after the words "the special order", the words "and shall be and remain the unfinished business until disposed of."

Mr. BARKLEY. I have no objection. Let me send the motion to the desk and have it read for the information of the Senate. I think there will be no difficulty about it.

Mr. ASHURST. I wish to have in the motion the language "and shall be and remain the unfinished business until disposed of."

Mr. BARKLEY. I ask the clerk to read for the information of the Senate the motion that is to be offered.

The VICE PRESIDENT. The clerk will read the motion.

The Chief Clerk read as follows:

I move that the bill H. R. 1507, the so-called antilynching bill, be made the special order of business for consideration immediately following the disposition of the bill to be reported at the beginning of the next session of Congress by the Committee on Agriculture and Forestry pursuant to Senate Resolution 158, relative to farm legislation.

Mr. ASHURST. "And said bill H. R. 1507 shall thereby become and remain the unfinished business until the same is disposed of." I offer that amendment.

Mr. WAGNER. I do not think there ought to be any objection to that amendment.

Mr. BARKLEY. I have no objection to the amendment, though I do not think it is necessary.

Mr. HARRISON. Mr. President, there is a good deal of difference between the present status and the order proposed by the Senator from Kentucky [Mr. BARKLEY], to which, however, I shall not object. I want Senators who are opposed to the bill to know, though, that the motion, when it shall have been agreed to, will put the bill in a very different light in January than today. It seems to me all of us ought to agree that the status of the bill in January shall be the same as it is now. Let the motion be made; let the bill be taken up; but the suggestion of the Senator from Arizona [Mr. ASHURST] that it shall remain the unfinished business to the exclusion of everything else, no matter what may come up in January, it seems to me is going pretty far, although I am not going to object.

Mr. BARKLEY. Mr. President, I think the Senator from Mississippi upon reflection will not insist that we simply allow the bill to remain in January in the same status in which it is now situated. The present parliamentary status is that there is pending simply a motion to proceed to the consideration of the bill. That motion has not been voted upon. What I am attempting to do is to have the bill automatically follow the farm legislation at the next session, whether it is in January or at some earlier time, in order that the bill may take its place before the Senate, and that the Senate may be assured that it will be taken up and considered.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CONNALLY. That is quite a different proposition from that suggested by the Senator from Arizona.

Mr. BARKLEY. I will say to the Senator that any bill that is made the unfinished business, of course, is subject to whatever disposition the Senate wishes to make of it, and it enjoys no preferred status above any other bill in that respect; but if the motion of the Senator from New York [Mr. WAGNER] were to be adopted this afternoon, the bill would become the unfinished business and remain the unfinished business until disposed of by the Senate by any motion that is parliamentary.

Mr. CONNALLY. The Senator from Texas was going to suggest that this session of Congress cannot bind the next session to keep the bill continually before the Senate to the exclusion of everything else. If the Senate wants to make it the unfinished business following the farm bill, very well. But I am not going to agree now to a hard-boiled promise to sign on the dotted line on the spot so that we cannot do anything else after we meet except talk about this bill.

Mr. BARKLEY. I do not think that is involved either under the motion I have made or under the amendment offered by the Senator from Arizona.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. ASHURST. The motion made by the able Senator from Kentucky, and certainly the suggestion made by the Senator from Arizona, would not bring the condign consequences glimpsed by my imaginative friend the able Senator from Texas. They would only, in my judgment, make this bill the unfinished business and give it the same status as any other unfinished business; but the Senate at any time could displace it, if it chose to do so, and every Senator would be at liberty to vote to displace it whenever he chose; but the words "shall remain the unfinished business until disposed of" ought to be included in the motion.

Mr. WAGNER. Mr. President, may I suggest that those words be added to the motion?

Mr. BARKLEY. I have no objection to the addition.

The VICE PRESIDENT. The clerk will again read the motion as amended.

The Chief Clerk read as follows:

I move the bill H. R. 1507, the so-called antilynching bill, be made the special order of business for consideration immediately following the disposition of the bill to be reported at the beginning of the next session of Congress by the Committee on Agriculture and Forestry pursuant to Senate Resolution 158, relative to farm legislation.

Mr. ASHURST offers the following amendment:

"And the said bill, House bill 1507, shall thereby become and remain the unfinished business until the same is disposed of."

The VICE PRESIDENT. Is there objection?

Mr. BARKLEY. I accept the amendment offered by the Senator from Arizona.

Mr. WAGNER. Mr. President, I temporarily withdraw my motion.

The VICE PRESIDENT. The Senator from New York withdraws his motion to proceed to the consideration of House bill 1507.

Mr. BORAH. Mr. President, I just came into the Chamber. May I ask to have the motion again read?

The VICE PRESIDENT. The clerk will again read the motion as completed.

The Chief Clerk read as follows:

That the bill H. R. 1507, the so-called antilynching bill, be made the special order of business for consideration immediately following the disposition of the bill to be reported at the beginning of the next session of Congress by the Committee on Agriculture and Forestry pursuant to Senate Resolution 158, relative to farm legislation; and said bill shall thereby become and remain the unfinished business until the same is disposed of.

Mr. BARKLEY. I now offer that motion.

Mr. GEORGE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. GEORGE. Is a record vote required upon this motion?

The VICE PRESIDENT. The motion may be adopted by unanimous consent or the Chair can declare that two-thirds of the Senate have voted in the affirmative and that the resolution is agreed to.

Mr. GEORGE. If there is not to be a record vote, I desire to record myself as definitely against the bill, now or hereafter, and I therefore am against the motion.

SEVERAL SENATORS. Vote.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Kentucky as amended. [Putting the question.] In the opinion of the Chair, two-thirds of the Senators present having voted in the affirmative, the motion, as amended, is agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7051) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7642) to authorize the completion, maintenance, and operation of Bonneville project for navigation, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2520. An act declaring Bayou Savage, also styled Bayou Chantilly, in the city of New Orleans, La., a nonnavigable stream; and

S. 2639. An act to authorize the Secretary of War to lease the Fort Schuyler Military Reservation, N. Y.

SUGAR PRODUCTION AND CONTROL

Mr. HARRISON. Mr. President, I move that the Senate proceed to the consideration of House bill 7667, being the so-called sugar bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi that the Senate proceed to consider House bill 7667.

Mr. McKELLAR. What is the bill? Let the title be stated.

The VICE PRESIDENT. The clerk will state the bill by title.

The LEGISLATIVE CLERK. A bill (H. R. 7667) to regulate commerce among the several States, with the Territories and possessions of the United States, and with foreign countries; to protect the welfare of consumers of sugars and of those engaged in the domestic sugar-producing industry; to promote the export trade of the United States; to raise revenue; and for other purposes.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi.

The motion was agreed to; and the Senate proceeded to consider House bill 7667, which had been reported from the Committee on Finance with amendments.

Mr. BROWN of Michigan. Mr. President, I desire to make a brief explanation of the principal provisions of the bill. It will take but a short time to do so. Substantially the bill reenacts the Jones-Costigan sugar bill, which was enacted in 1933 and which was effective for 3 years, but has not been effective for the past year.

The bill divides American sugar production into two main parts. It provides that substantially 55 percent of the sugar consumption of the United States shall be produced by what are known as domestic producers. The term "domestic producers" includes American sugar-beet producers, continental sugarcane producers, and producers in Hawaii, Puerto Rico, and the Virgin Islands. Forty-four percent and a fraction of our sugar business is given to foreign producers, Cuba, the Philippine Islands, and a few others. I will, for the RECORD, briefly give the percentages for each.

Domestic beet producers are given 41 percent of the American production.

Mainland cane-sugar producers, largely Louisiana and Florida, are given 11 percent.

Hawaii, 25 percent.

Puerto Rico, 21 percent.

About one-fourth of 1 percent is given to the Virgin Islands.

The so-called foreign production is divided between the Philippine Islands, Cuba, and others.

The Philippines are given 34 percent.

Cuba, 64 percent.

Other countries, less than 1 percent.

These allotments are based on an estimate of total consumption to be annually made by the Secretary of Agriculture. These provisions of the bill are not substantially different from the Jones-Costigan Act, which was in effect for 3 years.

Payments to farmers are to be made if certain conditions set forth in the bill are complied with. Those conditions are as follows, in the main:

First, there must be no child labor on farms where sugar beets are produced, excepting such labor as may be performed by members of the farmer's own family.

Second, labor must be paid a fair wage, not less than deemed to be fair by the Secretary of Agriculture.

Third, the farmer must limit the production of sugar beets on his own farm according to the formula or the quota established by the Secretary of Agriculture.

Lastly, the farmer must conform to such reasonable regulations as will increase soil fertility, or at least maintain it, as the Secretary of Agriculture may establish.

Upon complying with these provisions, the Secretary of Agriculture is authorized to pay sugar-beet farmers 60 cents per 100 pounds of sugar. That means substantially $1.80 per ton of beets. The average farmer in the eastern section of the United States will produce about 10 tons to the acre. I think the general average is around 15 tons per acre in Colorado, California, and other Western States. This is in addition to the payment of about 35 cents per ton of beets to those who comply with the provisions of the soil-conservation law enacted last year.

To the cane farmer benefit payments, based on the amount of sugar produced, are substantially similar. Limitations upon these payments are fixed in the bill.

Senators will remember there was considerable complaint about large payments to large producers of sugarcane. I do not believe there were any large payments to producers of sugar beets. This bill, in section 304, provides a limit. There would have to be approximately 400 acres of sugar beets planted by one farmer before the limitation would apply. I am not so familiar with the sugarcane situation, and I will ask the senior Senator from Louisiana [Mr. OVERTON] if he will advise the Senate as to the size of farm which would be affected by the limitation in the sugarcane area.

Mr. OVERTON. Mr. President, in reply to the inquiry, the scale of reduction begins at 500 short tons raw value, and 300 acres will produce about 500 short tons raw value.

Mr. BROWN of Michigan. The tax feature of the bill provides a tax of 53 cents per hundred pounds on refined sugar, levied against the processing of sugar beets and sugarcane. An import tax is levied on all sugar coming in from foreign countries, called an import compensating tax, which is the same in amount, and makes the sugar tax against foreign sugar the same as the sugar tax on the processing of domestic sugar.

The money obtained from this tax will be more than sufficient to pay the benefit payments which I have heretofore outlined.

The final provision of the bill which is of interest provides that it shall not remain in force longer than 3 years, and shall cease to be operative on December 31, 1940.

Mr. President, I have briefly covered the features of the bill about which there is no controversy. When the committee amendments are reached if necessary I will discuss the controversial features. Therefore, unless some question is to be asked I suggest that we proceed with the committee amendments.

The VICE PRESIDENT. The clerk will state the committee amendments.

The first amendment of the Committee on Finance was, on page 5, line 16, after the word "sugar", to insert "(including the amount of direct-consumption sugar)", so as to read:

The Secretary shall determine for each calendar year the amount of sugar (including the amount of direct-consumption sugar) needed to meet the requirements of consumers in the continental United States; such determinations shall be made during the month of December in each year for the succeeding calendar year and at such other times during such calendar year as the Secretary may deem necessary to meet such requirements.

The amendment was agreed to.

The next amendment was, on page 6, line 7, after the word "conditions", to strike out:

And in order that the regulation of commerce provided for under this act shall not result in excessive prices to consumers, the Secretary shall make such additional allowances as he may deem necessary in the amount of sugar determined to be needed to meet the requirements of consumers, so that the supply of sugar made available under this act shall not result in average prices to consumers in excess of those necessary to make the production of sugar beets and sugarcane as profitable on the average, per dollar of total gross income, as the production of the five principal (measured on the basis of acreage) agricultural cash crops in the United States.

And insert in lieu thereof the following:

And in the regulation of commerce provided for under this act the Secretary may make such additional allowances as he may deem necessary in the amount of sugar determined to be needed to meet the requirements of consumers, so that the supply of sugar made available under this act shall not result in excessive prices to consumers: *Provided, however,* That in carrying out this purpose and in making any determination or adjustment the Secretary shall not cause the price of sugar to be so reduced that the percentage representing the relation between the index of the price of sugar and the index of the average price of all domestic foods will become less than the percentage representing the index relation existing in the period 1932–34 (according to indexes officially published by the United States Bureau of Labor Statistics, on the basis in effect Jan. 1, 1937).

So as to make the section read:

SEC. 201. The Secretary shall determine for each calendar year the amount of sugar (including the amount of direct-consumption sugar) needed to meet the requirements of consumers in the continental United States; such determinations shall be made during the month of December in each year for the succeeding calendar year and at such other times during such calendar year as the Secretary may deem necessary to meet such requirements. In making such determinations the Secretary shall use as a basis the quantity of direct-consumption sugar distributed for consumption, as indicated by official statistics of the Department of Agriculture, during the 12-month period ending October 31 next preceding the calendar year for which the determination is being made, and shall make allowances for a deficiency or surplus in inventories of sugar, and changes in consumption, as computed from statistics published by agencies of the Federal Government with respect to inventories of sugar, population, and demand conditions; and in the regulation of commerce provided for under this act the Secretary may make such additional allowances as he may deem necessary in the amount of sugar determined to be needed to meet the requirements of consumers, so that the supply of sugar made available under this act shall not result in excessive prices to consumers: *Provided, however,* That in carrying out this purpose and in making any determination or adjustment the Secretary shall not cause the price of sugar to be so reduced that the percentage representing the relation between the index of the price of sugar and the index of the average price of all domestic foods will become less than the percentage representing the index relation existing in the period 1932–34 (according to indexes officially published by the United States Bureau of Labor Statistics, on the basis in effect January 1, 1937).

The amendment was agreed to.

The next amendment was, on page 14, after line 23, to strike out section 207, as follows:

SEC. 207. (a) Not more than 29,616 short tons, raw value, of the quota for Hawaii for any calendar year may be filled by direct-consumption sugar.

(b) Not more than 126,033 short tons, raw value, of the quota for Puerto Rico for any calendar year may be filled by direct-consumption sugar.

(c) None of the quota for the Virgin Islands for any calendar year may be filled by direct-consumption sugar.

(d) Not more than 80,214 short tons, raw value, of the quota for the Commonwealth of the Philippine Islands for any calendar year may be filled by direct-consumption sugar.

(e) Not more than 375,000 short tons, raw value, of the quota for Cuba for any calendar year may be filled by direct-consumption sugar.

(f) This section shall not apply with respect to the quotas established under section 203 for marketing for local consumption in Hawaii and Puerto Rico.

And insert a new section 207, as follows:

SEC. 207. Quotas for direct-consumption sugar for distribution in continental United States for each calendar year are hereby established as follows:

(a) For the Commonwealth of the Philippine Islands not to exceed 80,214 short tons, raw value; for Cuba, not to exceed 375,000 short tons, raw value.

(b) The remainder of the amount of direct-consumption sugar needed to meet the requirements of consumers as determined by the Secretary pursuant to the provisions of section 201 shall be allocated by the Secretary on the following basis for each calendar year:

Area and percent

Hawaii	0.4756
Puerto Rico	2.024
Mainland	97.5004

The amendment was agreed to.

The next amendment was, on page 27, to strike out lines 15, 16, 17, and 18, as follows: "Notwithstanding the foregoing exceptions, sugar in liquid form (regardless of its nonsugar solid content) which is to be used in the distillation of alcohol shall be considered manufactured sugar", so as to make the paragraph read:

SEC. 401. For the purposes of this title—

(a) The term "person" means an individual, partnership, corporation, or association.

(b) The term "manufactured sugar" means any sugar derived from sugar beets or sugarcane, which is not to be, and which shall not be, further refined or otherwise improved in quality; except sugar in liquid form which contains nonsugar solids (excluding any foreign substance that may have been added) equal to more than 6 percent of the total soluble solids, and except also sirup of cane juice produced from sugarcane grown in continental United States.

The amendment was agreed to.

The next amendment was, on page 31, in line 6, to strike out the subhead "Exportation and livestock feed" and insert "Exportation, livestock feed, and distillation."

The amendment was agreed to.

The next amendment was, on page 32, line 1, after the word "feed", to insert "or for the distillation of alcohol", so as to make the paragraph read:

(b) Upon the use of any manufactured sugar, or article manufactured therefrom, as livestock feed, or in the production of livestock feed, or for the distillation of alcohol, there shall be paid by the Commissioner of Internal Revenue to the person so using such manufactured sugar, or article manufactured therefrom, the amount of any tax paid under section 402 with respect thereto.

The amendment was agreed to.

The VICE PRESIDENT. That completes the committee amendments.

Mr. ANDREWS. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 8, line 15, after the words "Puerto Rico", it is proposed to insert "and each State", so as to make the section read:

SEC. 203. In accordance with the applicable provisions of section 201, the Secretary shall also determine the amount of sugar needed to meet the requirements of consumers in the Territory of Hawaii and in Puerto Rico, and each State, and shall establish quotas for the amounts of sugar which may be marketed for local consumption in such areas equal to the amounts determined to be needed to meet the requirements of consumers therein.

Mr. ANDREWS. Mr. President, this proposed amendment would amend section 203 in accordance with the applicable provisions of section 201, so that section 203 would read as follows:

SEC. 203. In accordance with the applicable provisions of section 201, the Secretary shall also determine the amount of sugar needed to meet the requirements of consumers in the Territory of Hawaii, and in Puerto Rico, and each State, and shall establish quotas for the amounts of sugar which may be marketed for local consumption in such areas equal to the amounts determined to be needed to meet the requirements of consumers therein.

The second amendment which I have handed in, on the same piece of paper, inserts, after the word "areas", the words "which shall not be less than the amount determined to be needed to meet the requirements of consumers therein."

If we are providing that the producers in Hawaii and Puerto Rico shall have the right to produce at least the amount of sugar used by their own consumers, certainly such a right cannot be denied to the people of each State. As provided in this bill, there are States in the Union which are not allowed to produce enough sugar from their own lands to feed their own people. What would be the situation in Alabama, for instance, if the people in Alabama were not allowed to produce enough cotton to clothe their own inhabitants? That is exactly the situation that arises under this amendment as to Florida.

In accordance with the applicable provisions of this bill, the Secretary shall also determine the amount of sugar needed to meet the requirements of consumers in the Territory of Hawaii and in Puerto Rico——

And there I have inserted "and each State."

Why should we not receive the same consideration that the people of Hawaii and Puerto Rico receive? I do not believe the Senate should allow such a provision to go through for the island possessions unless the same provision is made for each State of the Union.

Mr. President, I move the adoption of the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Florida.

Mr. HARRISON. Mr. President, I hope the amendment will not be adopted. The committee gave due consideration to this proposition. It seems to me almost an impossibility to extend quotas to each State in the Union, applying them to sugar beets as well as to sugarcane.

I hope the amendment will be rejected.

Mr. AUSTIN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. AUSTIN. I understood that the sugar bill had been passed by the Senate.

The VICE PRESIDENT. The Senator is in error about that. The Chair was about to put the question on the passage of the bill, but the Senator from Florida was on his feet offering an amendment. The Senate now is about to vote on that amendment.

The question is on agreeing to the amendment offered by the Senator from Florida.

The amendment was rejected.

Mr. ANDREWS. Mr. President, I offer another amendment, which I ask to have stated.

The VICE PRESIDENT. The amendment offered by the Senator from Florida will be stated.

The CHIEF CLERK. On page 8, line 17, it is proposed to strike out the words "equal to" and insert in lieu thereof the words "which shall not be less than", so as to read:

And shall establish quotas for the amounts of sugar which may be marketed for local consumption in such areas, which shall not be less than the amounts determined to be needed to meet the requirements of consumers therein.

Mr. ANDREWS. Mr. President, I insist that this amendment be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Florida.

The amendment was rejected.

Mr. PEPPER. Mr. President, I have an amendment reading as follows:

On page 7, strike out lines 14 to 20, inclusive; and on page 8, strike out lines 1 to 2, inclusive, and the table which follows and insert:

"(a) For domestic sugar-producing areas:

"Quotas (short tons)

	1937-38	1939	1940
Domestic beet sugar	1,550,000	1,550,000	1,550,000
Louisiana	357,000	357,000	357,000
Florida	90,000	150,000	175,000
Hawaii	938,000	938,000	938,000
Puerto Rico	798,000	798,000	798,000
Virgin Islands	9,000	9,000	9,000
(b) For the Commonwealth of the Philippine Islands	1,002,782	970,000	970,000
(c) For foreign countries			
Cuba	1,911,476	1,884,258	1,859,258
Foreign countries other than Cuba	26,412	26,412	26,412

"(d) In the event that the Secretary determines that the amount of sugar needed to meet the requirements of consumers is less than 6,682,670 short tons, then the Secretary shall first establish the quotas for the areas and in the respective amounts set forth in subsections (a) and (b) and after deducting the total thereof from the determined consumption requirements shall prorate the difference on the basis of the quota established for Cuba and foreign countries

other than Cuba, in subsection (c); if the Secretary determines that the amount of sugar needed to meet the requirements of consumers exceeds 6,682,670 short tons, then the Secretary shall deduct the total of the quotas set forth in the subsections (a) to (c), inclusive, from the determined consumption requirements and shall prorate the balance among the domestic sugar-producing areas set forth in (a) and Cuba and foreign countries other than Cuba, on the basis of the quotas set forth in subsections (a) and (c)."

Mr. President, before I begin my remarks I shall be glad if the Senator from Mississippi [Mr. HARRISON], the chairman of the Finance Committee, will be good enough to answer an inquiry which I shall propound.

I should like to inquire whether it is not the fact that, under the Tydings-McDuffie Act, under which independence is to be accorded to the Philippine Islands, the Philippines are limited to the exportation to this country free of duty of 970,000 short tons a year, and whether it is not the further fact that, if they send in more than that, they must pay $1.87½, that is, the full duty, upon every hundred pounds of sugar that comes in in excess of 970,000 short tons.

I shall be glad if the chairman of the committee, or some other one of the proponents of the bill, will be good enough to answer that inquiry.

Mr. HARRISON. Mr. President, am I to understand that the Senator asked me a question?

Mr. PEPPER. Yes. I will repeat the question.

I desire to ask the chairman of the Finance Committee if it is not a fact that it was by the Tydings-McDuffie Act that the Philippine Islands were accorded whatever rights they have heretofore enjoyed with regard to the exportation of sugar to this country free of duty?

Mr. HARRISON. That is my recollection.

Mr. PEPPER. Is it not a further fact, if the Senator will permit me, that under the Tydings-McDuffie Act the Philippines may send into the United States 970,000 short tons of sugar a year without payment of any duty?

Mr. HARRISON. That is my recollection.

Mr. PEPPER. Is it not a further fact that, if the Philippines send into the United States in any year sugar in excess of 970,000 short tons, the Philippines will have to pay $1.87½ a hundred pounds duty on the excess over 970,000 tons?

Mr. HARRISON. Yes. It is true that the proposed legislation permits some 60,000 tons, I think, to come in from the Philippines each year in addition to the amount we said we would permit to come in under the Tydings-McDuffie Act; but that is due to the fact that the administration was very anxious that the Secretary of State should be able to negotiate reciprocal trade agreements with some other countries, and he desired that much for negotiating purposes.

Mr. PEPPER. Now, may I propound to the Senator an additional inquiry? I hope the Senator will forgive me. What is the difference, therefore, between the 970,000 short tons allowed to the Philippines, excise free, under the Tydings-McDuffie Act, and the number of short tons allowed the Philippines under the bill now under consideration?

Mr. HARRISON. I think it is about 56,000 tons.

Mr. PEPPER. Is it not about 59,000 tons?

Mr. HARRISON. I believe it is 59,000. I shall not dispute the figures with the Senator.

Mr. PEPPER. I want the Senate to be good enough to observe two facts, and I want to say to the Senator from Mississippi [Mr. HARRISON], the chairman of the Committee on Finance, that this is not a facetious or dilatory comment I am making.

We have a situation whereby the State of Florida is adapted by nature to the production of sugarcane if any State of the Union is so adapted. We have been growing sugarcane in Florida effectively and efficiently since 1929, when a sugar mill was opened in the Everglades of Florida. There is a sugar mill there which has a sugar production capacity of 75,000 short tons a year.

The soil there, as Senators who have familiarized themselves with the Everglades of Florida know, is perhaps unique among all the States of the Union. It is known as the "muck land" of the Everglades. At one time it was covered with water, and the depth of that muck is anywhere from 4 to 7 feet. It is so rich that it will literally burn, and constant fire-prevention operations are being carried on upon it.

We began to experiment with the production of sugarcane effectively, as I have said, in 1929, and there are hundreds of thousands of acres of that fallow soil of the Everglades ideally adapted by content and by climatic conditions for the production of sugarcane.

The United States Government has an interest in this matter, because it was due to the aid of the Government that a good bit of the facility of Florida for sugarcane production came about. Senators will remember the terrible hurricanes and floods which came to my State in 1926 and in 1928, and from the shallow, saucerlike basin of Lake Okeechobee, the largest body of fresh water in the United States, the water was washed out all over this flat country round about, resulting in the drowning of thousands of people and the destruction of a great deal of property.

The Federal Government came to our aid in that situation, and they made it possible for us to build great dikes around Okeechobee, a flood-prevention process which is now, thanks to the generosity of the Federal Government, complete. The soil is being employed primarily in the production of sugarcane and in the production of vegetables, and I see within the range of my vision on this floor many Senators who have been there and observed the fertility of that soil.

I wonder whether Senators are aware of the fact that sugarcane in the Everglades of Florida grows to a height of from 15 to 20 feet, and that it does not necessarily have to be replanted except once every several years. I wonder whether Senators are aware of another fact, that the soil is so perfectly adapted and the efficiency of the operation is so well worked out, that Florida produces sugar within less than one-sixth of a cent of the production cost in Cuba. So that we have not only our natural right to the production of this commodity, but by our own operations we are qualified to be entrusted with this opportunity for the production of an essential food.

Mr. President, when the Jones-Costigan law was enacted Florida was accorded a quota of 40,000 tons, our neighbors in Louisiana a quota of 220,000 tons, and our brethren in the West engaged in the production of sugar from sugar beets a very much larger quota; in fact, I think historical facts require me to state it is a quota which they have reached but once in the whole history of their sugar-beet production.

I am not quarreling with what was done when we were given a quota of 40,000 tons and Louisiana one of 220,000; I am willing to admit that that was a natural handicap under which we were to labor in the future. But I do deny that it is right, upon any theory of government or economy, to put the sugar-producing facilities of Florida in a vise through and against which they can never possibly expand, however worthy may be our natural qualities, and however deserving our own conduct.

Mr. President, it would have been assumed that the historical base which was the criterion for that quota of 40,000 tons and for the 220,000-ton quota of Louisiana, and perhaps a given tonnage to the beet-producing area would not forever exist, but that it would be like a golfer in a golf game, who begins under a handicap, but if he makes a par score between successive holes he gets the credit for it. Therefore it would have been assumed that when the consumption requirements of the United States made it possible for more sugar to be consumed we would have been permitted to come fairly into the family of sugar-producing entities and States in the United States. But not so. The Government said to us, "You came late into this picture and we shall apply to you the yardstick of the historical base."

What does that mean? It means that, if that principle were applied to others, our friends in Louisiana would have a quota which gave them the right to produce all they were able to produce before our friends in the beet-producing area were allowed to produce anything at all, because long ago,

before beet production ever started in this country, the State of Louisiana was effectively and economically producing sugar from sugarcane. They, the earliest arrivals, and we, the latest, are treated with equitable disparagement. Consequently we are denied anything like the ratio of production to capacity to produce which other States enjoy, or which is our natural right.

The whole theory of sugar-quota restriction, Mr. President, has certain phases to it which perhaps are not ordinarily observed. I wonder whether the American people recognize what is being done to them. I wonder whether they realize whose pocketbook is paying the sugar subsidies of the United States. It would be well to take a calculating machine and go to every sugar producer within the confines of the continental United States and see how many there are, and then take the calculating machine and get a summation of the total subsidies paid by the Government of the United States to sugar producers under this bill, and see what a price the people of the United States are paying to make it possible for a few people to produce sugar.

We are not one of those who come here as petitioners for subsidy indulgence. We come and say that we are, in the first place, fitted by divine providence for the production of an essential element of American food. That is the first point. We come and say that we have shown ourselves by actual performance, capable of rendering that service. That is the second point.

We come here, Mr. President, and say that we are one of the sovereign States of the American Union, and that by reason of that sovereignty we have certain natural rights. We are not producing something that is a hazard to the health of America. Surely no one will contend that the production of a necessary food product is the necessity for the operation of the police power of the Uinted States.

Simply because Nature has fitted us to grow sugarcane, Mr. President, what wrong have we done that requires the Federal Government to come to us and to say, "We admit your capacity to produce. We admit that you have hundreds of thousands of acres adapted to the production of this commodity, and that you have only a sparse handful of those acres so employed. We admit that you do not seek a subsidy, and that you have lived, and are willing to live, on your actual performance capable of rendering that service. That points itself at us and it is said, "You may not produce sugar in the United States because"—and the chairman of the Finance Committee has just said it in the Senate—"because the Secretary of State wants to have some sugar with which he can bargain for commercial advantage with foreign countries."

Mr. President, I am not talking about sugar that comes from the beet area of the United States. Florida is so humble that it is not asking for any of that. I am not talking about a pound of sugar that comes from Louisiana. The people of that State are our neighbors, and we are fond of them. We come too humbly even to ask a pound of their quota. I tell the Senators also that away across the Pacific Ocean are islands inhabited by a people in whose veins does not run the blood of Americans, and that under the law they are not permitted to send a pound of sugar to this country, duty-free, in excess of 970,000 short tons annually, but that they must pay such a duty upon it that it is not economically feasible for them to send it here, and they will not send it here. Therefore it is not the Philippines that say to us, "You are taking away from us the nourishment of our national economy." We have not even been so full of temerity as to ask a pound from the Philippines, Mr. President.

Well, from whom do we ask it? I do not know. I do not know what country it is with which the Secretary wants to bargain some sugar. I do not know whether perhaps the Secretary has automobiles in mind for which he may be trying to provide a market in some foreign countries to the south or to the east or to the west of us.

I do know, Mr. President, that the natural birthright of Florida—and I speak only for that State—has been bargained away by a government which has increased automobile production and sales from the State of Michigan and other States. I ask, Mr. President, if I may, why not turn that process around? The great Commonwealth of Canada, just to the north of us, loves to consume the citrus products of Florida; but Canada is engaged in the automobile market in fierce competition with the middle section of the United States.

Mr. President, I might propose by the same standard of moral fairness that we should restrict the automobile production of Michigan so that Canada might sell more automobiles, so that Canada would have more money with which to buy the citrus fruits of Florida. Yet, Mr. President, that has not been the theory that has been applied to Florida.

So what do we find? The Secretary of State has launched upon a great enterprise. He is charged with the responsibility of cultivating our relations with our neighbors to the south of us, an enterprise with which I am in hearty accord. But, Mr. President, if it is necessary that the natural produce of my State shall be used as a subsidy with which to purchase the good will of another country, we shall pay a high price for the peace we may enjoy.

I never knew before, Mr. President, that my country was willing to bargain away an inch or a mile of its soil, whatever might be the practical material benefit which might ensue. Are we in Florida being kept in the family of States—we in Florida, who, we think, have a very attractive peninsula down there—are we being permitted to remain in the federation of States simply because no one will pay enough for us to make our sale worth while?

Why not take the peninsula of Florida and bargain it away to some sovereign who would not otherwise restrain his economic hand against us as a Nation? Or why not take the Great Lakes, Mr. President, and our shores contiguous thereto, and bargain them away in order that we may enjoy some natural advantage? What a price, Mr. President, we could get for the various sections of this country, if we ever became so base as to be willing to bargain them away to anybody for anything!

By the same reasoning, Mr. President, what right has my country, because there may be economic profit in it, to bargain away the right of a part of the citizenry of this country to grow the natural produce of its soil? Is there any more logic or reason for the exercise of that power than for the one to which I have just adverted? So we come here in the embarrassing role of not being considered worthy of privilege by our country.

Senators, remember the lines of him who said:

> Breathes there the man with soul so dead
> Who never to himself hath said,
> This is my own, my native land!

Has our fealty been so questionable, Mr. President, has our loyalty been so subject to concern, that we are not entitled to enjoy the same pride and the same privilege which attends upon membership in the great Nation of the United States?

Mr. AUSTIN. Mr. President——

The PRESIDING OFFICER (Mr. O'MAHONEY in the chair). Does the Senator from Florida yield to the Senator from Vermont?

Mr. PEPPER. I yield.

Mr. AUSTIN. I am very much interested in the remarks of the Senator from Florida. They appeal to me with great force. They almost persuade me to vote against this bill. I do not know that they will succeed in that direction. But the Senator's remarks are a commentary upon what may be expected from the change of our Government from a free government into a despotic one, in which power is centered at Washington to reach out into the several States and control their production, manufacturing, and mining. It is inevitable that some States somewhere will be injured by the exercise of that power.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. ADAMS. Did the Senator from Florida vote for the Reciprocal Trade Agreement Act?

Mr. PEPPER. The Senator did, after offering two very significant amendments, Mr. President. One of those amendments provided that no commodity shall come within the confines of continental United States unless there is levied upon the imported commodity a tariff equal to the difference between the cost of production abroad and here, which is right. I voted for the amendment, and so did a majority of the Senate, Mr. President, until the forces of the administration corralled all their votes and defeated the amendment by three votes on the floor of the Senate.

The second amendment was that trade agreements which would result in restricting the production of a commodity which we did not produce in quantities sufficient to meet our needs be prohibited, so that to the extent of our productive capacity we would supply the American market. That received a considerable number of votes, and that is and was right as a matter of principle. I venture to say, Mr. President, as I recently said, that any party, any administration, or any government will rue the day that it ever committed its destiny to a contrary course.

I am ashamed that I have to show myself worthy of being considered deserving of the privileges which I thought attended American citizenship, but I believe we could even meet that kind of requirement. I mean that by being allowed to produce what we can produce we will be more prosperous than by any such bargaining with foreign countries as the Secretary of State is carrying on. My humble opinion is that it is better for the prosperity of the United States to give work to our own people and then sell our surplus to them. I am talking not about a sovereignty which says "However humble and however expensive you are, we thank God that you are a part of our country." I am not even making that kind of suggestion. I am saying that I live under a government where I have to show that I am worthy of its concern, and on that basis I say that it is better for the prosperity of America to sell Michigan automobiles—and I use that just as an example, and not with reference to the Senator from Michigan [Mr. VANDENBERG] or his State—or automobiles of any other State in the United States to the agricultural labor in the South who get employment in sugar production, when they otherwise would not have employment, and let them take their purchasing power and buy those automobiles a short distance away at home, rather than have to send such automobiles miles beyond the sea and invoke transportation costs which would raise the price of the commodity and therefore reduce the number of purchases and the effective part of the purchasing power.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. PEPPER. Certainly.

Mr. VANDENBERG. I agree so cordially with the Senator's theory about these reciprocal-trade agreements that I remind him that in spite of their value to the automobile business of Michigan I voted against the extension of power, but the Senator from Florida voted for the extension of power.

Mr. PEPPER. The Senator from Michigan will find that as long as I am here I will go just as far as my conscience and the decent self-interests of my State will permit in an endeavor to live in harmony with the administration and the party of which I am a member, and I make no apology for that, although I do commend the judgment of the Senator and his temerity in following the course which he has indicated he did follow.

Mr. BROWN of Michigan. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BROWN of Michigan. The Senator realizes, of course, that automobiles produced in Michigan are used in carrying great numbers of people to Florida in the wintertime, and that they spend a considerable amount of money there.

Mr. PEPPER. I am aware of that, but I say to the Senator that I am sure the attraction of Florida is so great that, did they not come, others would come who had gained their ability to be there in a much worthier way than at the expense of the people among whom they enjoy themselves.

Mr. ANDREWS. Mr. President, will my colleague yield?

Mr. PEPPER. Certainly.

Mr. ANDREWS. Is it not a fact that under the provisions of the bill, if it should be enacted into law, the State of Florida would not be allowed to produce one-half as much sugar as its own people consume?

Mr. PEPPER. That is correct, and it is proper to say that the Jones-Costigan Act—an emergency measure—allowed Florida to produce but one-third of its consumption requirements, and that this measure, which is not an emergency measure, allows Florida to produce less than one-half of its consumption requirements. Senators must be mindful of the fact that the bill not only forbids Florida the right to produce more than about one-half of what it consumes, but it would forbid us by law to sell more than the quota to our own people, inside the confines of our own State, without ever having crossed the boundary of any other State of the Union.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MINTON. What percentage of its consumption does Florida produce now?

Mr. PEPPER. It produces a smaller percentage.

Mr. MINTON. Did it ever produce as much sugar as was given it under the quota provided in the pending bill?

Mr. PEPPER. The State of Florida is the one State which plowed up 5,000 acres of growing sugarcane, and I challenge anybody else to show that they have done likewise.

Mr. MINTON. Has Florida ever produced as much sugar as she would be allowed to produce under the quota provided in the pending bill?

Mr. PEPPER. Answering the Senator's question, I answer "no", and I likewise state that I have never without wings flown to the moon, because I did not have the power to do it.

Mr. OVERTON. Mr. President——

Mr. PEPPER. I yield to the Senator from Louisiana.

Mr. OVERTON. In line with the interrogatory propounded to the Senator from Florida by the Senator from Indiana [Mr. MINTON], will he state whether or not under the terms of the bill Louisiana would be permitted to produce as much sugar as she has produced in the past and as much as she produced during the past year?

Mr. PEPPER. She would not.

Mr. OVERTON. Then, under the bill, as I understand, Florida would be able to produce more than she ever has produced and Louisiana would be required to produce less than she has produced.

Mr. PEPPER. That is almost correct. Louisiana a long time ago was a very large producer of sugarcane and sugar, but there came upon Louisiana a plague in the form of the mosaic disease, and the State of Louisiana was therefore sharply reduced in the quantity of sugar which it brought forth. Along about that time, when Louisiana was just getting back on its feet, Florida was coming into the sugar-producing picture and making a very full contribution, because it was in Florida that the chief beneficial experimentation was carried on which made it possible for Louisiana to come back into the picture as one of the major sugar producers of the country.

I hold no brief for the treatment the Senators from Louisiana have received; but if two wrongs do not make a right, then wrongs to two do not make a right. Consequently, I have as much sympathy for the position of the Senator from Louisiana, though not in quite the same degree, because the degree of their difficulty is not as great as ours, but as much as is possible in comparison with the discrimination of which we are the victims.

Mr. OVERTON. Under the terms of the bill now under consideration, would the beet-sugar areas be able to produce as much sugar as they have produced in the past?

Mr. PEPPER. My understanding is that the beet-sugar area once did produce a little in excess of what they are awarded as their quota under the bill, and that it is the common judgment of all the experts dealing with the problem that the production of the sugar-beet area next year will not come within thousands—in fact, not within 150,000—of tons of the quota which they are accorded under the terms of the bill. Is not that the opinion of the Senator from Louisiana?

Mr. OVERTON. Mr. President, in answer to the Senator's question I will say that in the year 1933 the sugar-beet area produced 1,756,000 tons, and its quota is considerably less than that under the provisions of this bill. I will also say that Louisiana in different years has produced more than 400,000 tons of sugar, and last year she produced 386,000 tons of sugar, but under this bill she will not be able to produce what she produced last year or what she produced in previous years.

Now, I desire to ask the Senator from Florida a question. Under the amendment he offers, does he propose to increase solely the quota of Florida on the mainland, or does he also propose to increase the quota which will be assigned to Louisiana and Florida in conjunction, and to the beet area?

Mr. PEPPER. The Senator has propounded two queries, and I shall try to answer them in order.

Under this bill Louisiana is receiving, we estimate, a quota of 357,000 tons a year. Why? Because the Department of Agriculture has divided the quota which goes to the cane area 15 percent to Florida and 85 percent to Louisiana. Why? On a historical basis; not because of our ratio of capacity to production—or production to capacity, to state it more accurately—being a given figure, but because the Department says we came late into the sugar arena, and therefore we are to be penalized for the tardiness of our arrival upon the scene—a principle of priority which would operate rather advantageously to the American Indian. But in addition to that Louisiana has never produced more than a little over 400,000 tons a year. That was her maximum production at a time when her ratio of production to capacity to produce was very, very considerable, many, many times in excess of the ratio which we enjoy. I am not quarreling about the right or the privilege of Louisiana to carry on the same ratio of capacity and production that has obtained in the past; but I do deny that that principle can rightly be applied to Florida to suppress us forever into the state to which we early came.

To answer the second question of the Senator from Louisiana, my amendment does not propose to add any quota to anybody except to the State of Florida. That happens to be the only State for which I have the opportunity to speak. I am sure the eloquent Senators from Louisiana, if they have a grievance, will make themselves heard to their colleagues here; and I do not venture to express an opinion as to whether or not they need or should have an additional quota. I am trying to perform the duty for which I have a responsibility here; to present to my colleagues the fact that I represent a State in the American Union, and that that State proposes to grow sugarcane for the production of sugar, and that sugar is an essential element in the food supply of the people of this country, and that we do not produce in this country enough sugar to meet home requirements, and that even in Florida itself we are not permitted to and do not produce enough sugar to meet more than one-half the requirements of our own consumption. Therefore, I say to the Senate of the United States, are we not entitled to ask that at least we should have a place in the family of States, and a fair opportunity to enjoy what nature has fitted us to do that is good for the American people? And, I ask, is not the contrary of that wrong, whoever may do it, or however it may be done?

Mr. President, I was guilty of a bit of inaccuracy in saying that the first amendment I offered would take nothing from any State or country except the Philippines. I should have added that it would take something like 11,000 tons from Cuba, because the amendment was based upon 90,000 tons for 1937–38, 150,000 tons for 1939, and 175,000 tons for 1940. What I should like to do is to point out that Cuba last year got the quota which it enjoyed. Why? Because of the deficiency in sugar production in the beet area of this country; in other words, not due to their initial quota. There was a deficit under the terms of the Jones-Costigan Act, and they had a right to enjoy a proportion of 70 percent of that deficit. Consequently, that is how they got the quota they enjoyed last year. That was not written in the Jones-Costigan Act in terms of tons.

Mr. ANDREWS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to his colleague?

Mr. PEPPER. Yes.

Mr. ANDREWS. Is it not also true that there are thousands of acres of land in Florida that it cost millions of dollars to drain for this purpose that are lying idle, and were taken off production because they were not allowed to raise enough sugar for their own people? Is it not also true that the Government of the United States has been paying a million dollars a year to the people who own that land to let it lie idle and remain uncultivated, and the people of this country are having to pay that tax in order to satisfy the Cuban condition, and Cuba is allowed to ship 2,000,000 tons of sugar a year into the United States while the State of Florida is allowed to produce only 63,000 tons, not enough for its own people? Is not that correct?

Mr. PEPPER. That is correct, Mr. President.

Mr. McCARRAN. Mr. President——

Mr. PEPPER. I am glad to yield to the Senator from Nevada.

Mr. McCARRAN. Before the Senator concludes his remarks, and in connection with the query propounded to him by his colleague, will he discuss the phase of the unemployment which is being brought about by this deprivation worked on the State of Florida?

Mr. PEPPER. Mr. President, I thank the Senator from Nevada for the recognition of that point.

Far be it from me to be desirous of giving up statehood for Florida; but if I were seeking mere practical advantage for my State in the ability to produce sugar, I should come to the Senate and say, "Senators, we have enjoyed fellowship in the American Nation. We were proud of the time when we came into the confederacy of States. We are grateful for the pleasant recollections of our association with you; but, finding that we profit more by being a Territory than a sovereign State, we ask your leave to bid you a State's adieu in the American Union."

I say, Mr. President, if I put our statehood upon the material basis with which the bill under consideration deals with this subject—that is, pecuniary gain only, without a principle being involved—that is what I should have to say. So I suppose I shall have to go home and say to my people, "I have failed as your Senator because sympathy or sentiment or something inclined me against asking a relinquishment of statehood in a nation of which I am proud, and you will just have to go along the best you can not being a Territory." Perhaps that constitutes an additional argument for the Florida ship canal.

Mr. President, permit me to add, as I said a minute ago, that I believe it is better for this country to reserve whatever economic assets we have to our own people, because if we could raise the purchasing power of the bottom third of the population of this Nation we should be better off than if we could gain many new foreign markets, because these are our people. There is a sentimental reason for our so desiring. They are in immediate proximity to our production centers, and the cost of transportation is very greatly diminished in comparison to persons living beyond the seas.

In the South, Mr. President, we have farm laborers who are generally not otherwise employed at the season of the year when sugarcane production is under way. These transient laborers are brought into Florida in many instances from Georgia, Alabama, South Carolina, and others of the

Southern States. They are paid in cash. There is a commissary there which will not take anything but cash, which will not sell an employee a dollar's worth of goods on credit. There is not, in this operation, an instance of taking advantage of the employee by the so-called check system.

In addition to that, those who leave are put in a train car, if they do not go in their own automobiles, and furnished a guard, who goes with them to the point of separation, so that they will carry home as many of the hard-earned dollars as can possibly be made available to them.

In addition to that, it will be found that the wages paid those who labor in this enterprise start at the noteworthy low of $2.70 per day, in cash, plus perquisites, and reach in some instances as high as $11 a day, which is exceptionally high, generally speaking, for farm employees, even skilled operators. So that if we are permitted to add an additional quota to what we may produce, money will be found flowing out of the Everglades of Florida into the channels of purchasing power of this country, which will redound directly to the greater prosperity of this Nation.

Mr. President, just as honesty is the best policy is a profitable maxim in business conduct, so it is that fairness in economic treatment of segments of this country has economic as well as moral advantage. Thousands of employees not now working would go into employment off the relief rolls if we were able to produce a fair sugar quota for Florida.

Now, may I mention one other aspect? In Florida the farmers produce vegetables. Vegetables, unfortunately, are subject to two primary hazards. The first one is a natural hazard. As good and as equable as is our climate, there are exceptions even to a Florida climate, and there are times when vegetables are not a stable crop even in the Everglades of Florida. There are times when floods and excessive rainfall come our way.

Senators will remember that, during the same calendar year when I proposed the amendment I mentioned a moment ago, I read a telegram from the people of the Everglades engaged in vegetable production in which they said they had lost something like $1,000,000 worth of their vegetables due to a flood which had come suddenly upon them.

The second hazard is the market, and the trail winds again along the serpentine path that certain departments of our Government have heretofore laid out comparable to what is involved here today. We used to grow avacados in Florida, we used to grow tomatoes and peppers and beans and commodities of that character. We had a flourishing production, and a pretty good market, because with our own produce we did not flood that market. Then what happened? The tariff on Cuban tomatoes and other comparable commodities was lowered, and Cuba began to take the American market away from the producers in Florida and a little while later we found ourselves in the condition described by one farmer not long ago. After sending all of his produce to market he got back a bill of $1.15. After giving all his produce away he owed the railroad $1.15. He owed that money to those who made it possible for him to put his commodity where it could not be sold.

Mr. BORAH. Who lowered the tariff?

Mr. PEPPER. It was lowered by the same instrumentality and the same principle involved in the proposal being considered today.

Mr. President, while we are considering the farmers who have to compete with producers in Cuba, let us think of the inconsistency of our course. A few days ago by a tremendous majority and very solemnly we dedicated this Nation to the principle of fair-wage and fair-hour conduct. But here it is proposed that we permit to come into this country commodities produced under conditions which are the very antithesis of those we stipulated in the bill recently passed in this body. The Philippines, Cuba, and some of the other foreign competitors, are names synonymous with the suppression of the people under a despotic if not an unfair government, and conditions where the workingman does not enjoy a very large share of the produce of his labor.

When our products go into competition with the products of those countries, it is easy to observe how poorly we fare. The result is that in Florida some crops formerly produced are not even grown now. We are fast losing our tomato and other vegetable crops due to the same causes.

What have we done? We have been filing petitions and having hearings before the various departments. We have pointed out the burdens under which we have been suffering, and what have we been told? They say, in substance, "We can give you figures to show that because of the fact that your vegetable production has been reduced by law, the United States has been more prosperous." They do not say "we." They say we have paid by the produce of our soil for somebody else's prosperity, and they expect us to be lulled into a sense of security because somebody else lives off of our vitals.

I started to say that we want to make it possible for the farmers engaged in the production of a crop which is unstable because of natural hazards and unstable because of market conditions which we have largely brought on to produce a commodity for which there will be a fair market, and which can be produced under rather stable natural conditions. If they were permitted to grow sugarcane, we would not insist that they be able to grow all of their crop in sugarcane. We just want them to be able to grow a part of their crop in sugarcane—we will say a sort of backlog, as it were. They would have that to rely upon, a sort of a stable crop. We would still let them go ahead in competition with Cuba, and try to produce the tomatoes, for which they have almost a hopeless market. Just give us a little backlog, and we will be contented with that.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. HARRISON. Some of the Senators have been inquiring about how long they would have to remain. I understand the Senator from Florida would prefer to proceed in the morning, and that he will finish in a reasonably short time.

Mr. PEPPER. That is correct.

Mr. HARRISON. The Senator would prefer to go on in the morning?

Mr. PEPPER. I should prefer that.

Mr. BARKLEY. Mr. President, with that understanding, we will not proceed further with the bill today.

Mr. HARRISON. Mr. President, I ask unanimous consent to have printed in the RECORD a letter received last evening from the President of the United States with reference to the proposed sugar legislation. The letter was read to the Finance Committee this morning, and the committee took action after the letter was presented to it. However, I think the views of the President ought to be placed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, August 11, 1937.

HON. PAT HARRISON,
United States Senate.

MY DEAR PAT: The amendment to H. R. 7667 adopted yesterday by the Senate Finance Committee has just been brought to my attention.

I am delighted to note that the committee recognizes that our Territories and island possessions are integral parts of the United States and cannot be discriminated against, and that the restrictions on refining in those Territories contained in H. R. 7667 constitute such a discrimination.

I regret that an examination of the committee amendment shows that it not only does not eliminate the discrimination, but introduces a new and highly objectionable feature. The discrimination contained in H. R. 7667 is that sugar producers in Hawaii, Puerto Rico, and the Virgin Islands are prohibited from refining there the sugar which they are permitted to produce under the quota, while there is no similar prohibition on the other areas in the United States. The amendment, which places a refining quota on continental United States at a figure far in excess of the largest quantity of sugar grown there, merely perpetuates this discrimination.

The amendment proposes to limit by law the quantity of sugar that may be refined in various geographical parts of the United States. This introduces a principle of geographical limitations on manufacturing in our country which has no economic or social justification in this instance and would constitute a dangerous precedent.

Agricultural legislation, so desired by our farmers, should not be further delayed by the insertion in an otherwise acceptable agricultural bill of manufacturing restrictions. Their elimination would serve the best interests of our agricultural producers, who desire legislation at this session. If interested parties think there should be manufacturing restrictions on sugar refining, that can be embodied in a separate bill and be considered separately.

Sincerely yours,

FRANKLIN D. ROOSEVELT.

EXTENSION OF AIR MAIL SERVICE

Mr. McKELLAR. Mr. President, Calendar No. 1097, being House bill 6628, is a bill to permit the further extension of the Air Mail Service. As the Senate knows, the law now provides that the Postmaster General shall not extend air-mail routes in excess of 32,000 miles, and the Department has used up that mileage, and it desires to make some further extensions. The bill simply provides that 3,000 miles of additional routes may be established from time to time.

I ask unanimous consent that the Senate proceed to the consideration of House bill 6628, being Calendar No. 1097.

Mr. AUSTIN. Mr. President, I should like to inquire if this is a bill which has been studied generally, and whether Senators generally are acquainted with the bill?

Mr. McKELLAR. Yes. It is a bill that has come over from the House, and is recommended by the Department.

As the Senator knows, and as all other Senators know, the law now places a limit of 32,000 miles upon air-mail routes. The Department has used up that mileage and desires to establish several small lines, and the bill provides for an additional 3,000 miles.

Mr. AUSTIN. Mr. President, this legislation relating to the air mail is very controversial legislation. I am not certain that this particular bill is controversial. I know nothing about it, and I have reason to believe that many Senators know nothing about it. For that reason I shall object to its consideration at this time.

The PRESIDING OFFICER. Objection is heard.

PORTRAIT OF THE LATE SENATOR ROBINSON

Mr. BARKLEY. From the Committee on the Library, I report back favorably, without amendment, Senate Resolution 173, submitted by the Senator from Arkansas [Mrs. CARAWAY] on August 10, 1937.

Mr. President, the resolution refers to a portrait of the late Senator Robinson which hangs in the office of the Secretary of the Senate. The late Senator's widow, Mrs. Robinson, desires to present the portrait to the Senate. The resolution merely authorizes the Architect of the Capitol to accept it. I think Mrs. Robinson presents this portrait to the Senate in a very generous spirit.

I ask unanimous consent that the resolution be now considered and agreed to.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution reported by the Senator from Kentucky?

There being no objection, the resolution (S. Res. 173) was read, considered, and agreed to, as follows:

Resolved, That the Architect of the Capitol is authorized and directed to accept a portrait of Hon. Joseph T. Robinson, late a Senator from the State of Arkansas, as a gift to the Senate of the United States from certain friends of his, and to cause such portrait to be hung in a suitable place in the Senate wing of the National Capitol.

TRANSFER OF SCOTLAND COUNTY TO MIDDLE JUDICIAL DISTRICT OF NORTH CAROLINA

Mr. REYNOLDS. Mr. President, I ask unanimous consent for the immediate consideration of House bill 7092, to provide for the transfer of Scotland County to the middle judicial district of North Carolina. It provides for the transfer of that county from the eastern judicial district to the middle judicial district.

Mr. KING. Mr. President, I inquire of the Senator whether there has been a report from the Committee on the Judiciary with respect to the bill.

Mr. REYNOLDS. Yes. The bill was passed by the House, and has been favorably reported by the Committee on the Judiciary of the Senate.

Mr. KING. Does the Senator know whether the Department of Justice approves of it?

Mr. REYNOLDS. I am sure the Department does.

Mr. ASHURST. A letter from the Department approving the change is printed in the report of the committee.

Mr. HARRISON. Is there any political controversy in either of the counties?

Mr. REYNOLDS. None whatsoever.

Mr. AUSTIN. Mr. President, can the Senator say whether the Committee on the Judiciary considered the matter fully?

Mr. REYNOLDS. Yes.

Mr. AUSTIN. Was there any opposition to it?

Mr. REYNOLDS. None whatsoever. The bill has passed the House. It provides merely for the transfer of one county to another judicial district for the convenience of the Federal court.

Mr. AUSTIN. Will it involve any expense?

Mr. REYNOLDS. Not at all.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina [Mr. REYNOLDS] for the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 7092) to provide for the transfer of Scotland County to the middle judicial district of North Carolina, which was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 98 of the Judicial Code, as amended (U. S. C., 1934 edition, Supp. II, title 28, sec. 179), is amended to read as follows:

"The State of North Carolina is divided into three districts to be known as the eastern, the middle, and the western districts of North Carolina.

"The eastern district shall include the territory embraced on the 1st day of January 1926 in the counties of Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hyde, Johnston, Jones, Lenoir, Martin, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Robeson, Sampson, Tyrrell, Vance, Wake, Washington, Warren, Wayne, and Wilson.

"The terms of the District Court for the Eastern District of North Carolina shall be held at Raleigh, a 1-week civil term, on the second Mondays in September and March, and at the following places on each succeeding Monday thereafter: Fayetteville, Elizabeth City, Washington, New Bern, Wilson, Wilmington, and Raleigh, the term at Raleigh being a criminal term only. The clerk of the court for the eastern district shall maintain an office in charge of himself or deputy at Raleigh, at Wilmington, at New Bern, at Elizabeth City, at Washington, at Fayetteville, and at Wilson which shall be kept open at all times for the transaction of the business of the court.

"The middle district shall include the territory embraced on the 1st day of January 1926 in the counties of Alamance, Alleghany, Ashe, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Guilford, Lee, Hoke, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Scotland, Stanly, Stokes, Surry, Watauga, Wilkes, and Yadkin.

"The terms of the district court for the middle district shall be held at Rockingham on the first Mondays in March and September, at Salisbury on the third Mondays in April and October, at Winston-Salem on the first Mondays in May and November, at Greensboro on the first Mondays in June and December, at Wilkesboro on the third Mondays in May and November, and at Durham on the first Monday in February and the fourth Monday in September: *Provided*, That the cities of Winston-Salem, Rockingham, and Durham shall each provide and furnish at its own expense a suitable and convenient place for holding the district court until Federal buildings containing quarters for the court are erected at such places.

"The western district shall include the territory embraced on the 1st day of January 1926 in the counties of Alexander, Anson, Avery, Buncombe, Burke, Caldwell, Catawba, Cherokee, Clay, Cleveland, Gaston, Graham, Haywood, Henderson, Iredell, Jackson, Lincoln, Madison, Macon, McDowell, Mecklenburg, Mitchell, Polk, Rutherford, Swain, Transylvania, Union, and Yancey.

"Terms of the district court for the western district shall be held in Charlotte on the first Mondays in April and October, at Shelby on the fourth Monday in September and the third Monday in March, at Statesville on the fourth Mondays in April and October, at Asheville on the second Mondays in May and November, and at Bryson City on the fourth Mondays in May and November: *Provided*, That the cities of Shelby and Bryson City shall each provide and furnish at their own expense suitable and convenient places for holding the court at Shelby and Bryson City. The clerk of the court for the western district shall maintain an office, in charge of himself or a deputy, at Charlotte, at Asheville, at Statesville, at Shelby, and at Bryson City, which shall be kept open at all times for the transaction of the business of the court.

"There shall be a judge appointed for the said middle district in the manner now provided by law who shall receive the salary provided by law for the judges of the eastern and western districts, and a district attorney, marshal, clerk, and other officers in the manner and at the salary now provided by law.

"All causes in the said middle district in equity, bankruptcy, or admiralty, in which orders and decrees have already been made and which are now in process of trial, shall continue and remain subject to the jurisdiction of the judge of that district by whom the same shall have been made and before whom the same shall have been partially tried and determined."

RESOLUTIONS REPORTED FROM COMMITTEE TO AUDIT AND CONTROL THE CONTINGENT EXPENSES OF THE SENATE

Mr. BYRNES. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate Resolutions 171, 124, and 165; also with amendments Senate Resolutions 15, 117, and 154; and I ask unanimous consent for their consideration at this time.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolutions reported by the Senator from South Carolina? The Chair hears none, and the resolutions will be considered in their order.

LILLIAN V. JOHNSON

The resolution (S. Res. 171) submitted by Mr. BYRD on August 9, 1937, was read, considered, and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Lillian V. Johnson, widow of Newton Johnson, late an employee of the Senate under the supervision of the Committee on Rules, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

CHARLOTTE C. RIDGLEY

The resolution (S. Res. 124) submitted by Mr. LEWIS on April 29, 1937, was read, considered, and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate, to Charlotte C. Ridgley, widow of Cornelius J. Ridgley, late an elevator conductor under supervision of the Architect of the Capitol, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

INVESTIGATION OF CLAIMS OF NEW BRUNSWICK, N. J.

The resolution (S. Res. 165) submitted by Mr. MOORE on August 3, 1937, was read, considered, and agreed to, as follows:

Resolved, That a committee composed of three members of the Committee on Claims, to be appointed by the chairman of said Claims Committee, is hereby authorized and directed to investigate the claims of the city of New Brunswick, N. J., for compensation for municipal services furnished to purchasers of lands from the United States Housing Corporation, the title to which lands still remains in the United States.

Such committee to be so appointed is authorized to hold hearings and to sit during recesses or sessions of the Seventy-fifth Congress, at such times and places as it may deem advisable, to send for persons or papers, to administer oaths, and to employ a stenographer to report such hearings, the cost of which shall not be in excess of 25 cents per hundred words, the expenses of such investigation to be paid from the contingent fund of the Senate.

INVESTIGATION OF RECEIVERSHIP AND BANKRUPTCY PROCEEDINGS

The Senate proceeded to consider the resolution (S. Res. 15) submitted by Mr. MCADOO on January 6, 1937.

The amendment reported by the Committee to Audit and Control the Contingent Expenses of the Senate was, on page 1, to strike out all after line 8 and to insert:

Congress, for the purpose of enabling the said committee to complete its work and prepare and file reports of its investigation, and for such purpose is authorized to expend from the contingent fund of the Senate not to exceed $5,000.

So as to make the resolution read:

Resolved, That Senate Resolution 78, agreed to June 13, 1933, authorizing an investigation of the administration of receivership and bankruptcy proceedings in the courts of the United States, and other matters pertaining thereto, and supplemented by Senate Resolution 72, agreed to February 15, 1935; Senate Resolution 170, agreed to July 25, 1935; Senate Resolution 282, agreed to June 6, 1936; and Senate Resolution 308, agreed to June 5, 1936, is hereby continued in full force and effect during the Seventy-fifth Congress, for the purpose of enabling the said committee to complete its work and prepare and file reports of its investigation, and for such purpose is authorized to expend from the contingent fund of the Senate not to exceed $5,000.

Mr. AUSTIN. Mr. President, I ask whether the chairman of the committee has been informed of this amendment.

Mr. BYRNES. I will say to the Senator that the amendment is in accord with the statement that was made at the time the Senator who is the chairman of the committee was in the committee room; but I am entirely willing to let the resolution go to the calendar if the Senator wishes that that be done.

Mr. President, for the time being I withdraw the request for the consideration of the resolution.

CONSERVATION AND UTILIZATION OF AQUATIC LIFE

The Senate proceeded to consider the resolution (S. Res. 117) submitted by Mr. SCHWELLENBACH on April 15, 1937.

The amendments reported by the Committee to Audit and Control the Contingent Expenses of the Senate were, on page 2, line 7, after the word "employ", to insert "and call upon the executive departments for", and on the same page, line 15, after the word "exceed", to strike out "$20,000" and insert "$5,000", so as to make the resolution read:

Resolved, That a special committee of five Senators, to be composed of three members from the majority political party and two members from the minority political party, to be appointed by the President of the Senate, is authorized and directed (1) to investigate all matters pertaining to the replacement, conservation, and proper utilization of aquatic life (including marine and freshwater food and game fishes and shellfish) of the United States, its Territories, and waters adjacent thereto, with a view to determining the most appropriate methods for carrying out such purposes, and (2) to report to the Senate as soon as practicable, but not later than the beginning of the first regular session of the Seventy-sixth Congress, the results of its investigations, together with its recommendations for necessary legislation.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold hearings; to sit and act at such times and places during the sessions and recesses of the Senate in the Seventy-fifth Congress until the final report is submitted; to employ and call upon the executive departments for such clerical and other assistants; to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths; and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

The amendments were agreed to.

The resolution as amended was agreed to.

VIOLATIONS OF FREE SPEECH AND RIGHTS OF LABOR—LIMIT OF EXPENDITURES BY COMMITTEE

The Senate proceeded to consider the resolution (S. Res. 154) submitted by Mr. LA FOLLETTE (for Mr. THOMAS of Utah and himself) on July 22, 1937.

The amendment reported by the Committee to Audit and Control the Contingent Expenses of the Senate was, on page 1, line 7, to strike out "$50,000" and insert "$35,000", so as to make the resolution read:

Resolved, That the limit of expenditures under Senate Resolution 266, Seventy-fourth Congress, second session, agreed to June 6, 1936, and under Senate Resolution 70, Seventy-fifth Congress, first session, agreed to February 19, 1937, to investigate violations of the right of free speech and assembly and interference with the right of labor to organize and bargain collectively, is hereby increased by $35,000.

The amendment was agreed to.

The resolution as amended was agreed to.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

NOMINATION OF HUGO L. BLACK—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. O'MAHONEY in the chair) laid before the Senate a message from the President of the United States, which was read, as follows:

THE WHITE HOUSE, *August 12, 1937.*

To the Senate of the United States:

I nominate HUGO L. BLACK, of Alabama, to be an Associate Justice of the Supreme Court of the United States.

FRANKLIN D. ROOSEVELT.

Mr. BARKLEY. I suppose that nomination should go to the Judiciary Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER also laid before the Senate messages from the President of the United States submitting sundry nominations (and withdrawing the nominations of two postmasters), which were referred to the appropriate committees.

(For nominations this day received and nominations withdrawn, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. HARRISON, from the Committee on Finance, reported favorably the nominations of the following-named surgeons to be senior surgeons in the United States Public Health Service, to rank as such from the dates indicated: Harry E. Trimble, July 16, 1937; James E. Faris, August 1, 1937; and Mark V. Ziegler, August 2, 1937.

Mr. BULKLEY, from the Committee on Finance, reported favorably the nomination of Frank F. Gentsch, of Cleveland, Ohio, to be collector of internal revenue for the eighteenth district of Ohio, in place of Carl E. Moore, resigned.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

Mr. VAN NUYS, from the Committee on the Judiciary, reported favorably the following nominations:

Benjamin Harrison, of California, to be United States attorney for the southern district of California, vice Peirson M. Hall; and

Frank J. Hennessy to be United States attorney for the northern district of California, vice Henry H. McPike, whose term has expired.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

DEPARTMENT OF THE NAVY

The legislative clerk read the nomination of William R. Furlong to be Chief of the Bureau of Ordnance, Department of the Navy, with the rank of rear admiral, for a term of 4 years.

Mr. WALSH. I move that the nomination be confirmed.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

FEDERAL BOARD FOR VOCATIONAL EDUCATION

The legislative clerk read the nomination of Clarence Poe, of North Carolina, to be a member of the Federal Board for Vocational Education.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service.

Mr. BARKLEY. I ask unanimous consent that the nominations in the Diplomatic and Foreign Service be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. I ask that the nominations in the Army be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Army are confirmed en bloc.

That concludes the Executive Calendar.

RECESS

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 28 minutes p. m.) the Senate took a recess until tomorrow, Friday, August 13, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate August 12 (legislative day of Aug. 9), 1937

ASSOCIATE JUSTICE, SUPREME COURT OF THE UNITED STATES

HUGO L. BLACK, of Alabama, to be an Associate Justice of the Supreme Court of the United States.

UNITED STATES DISTRICT JUDGE

George F. Sullivan, of Minnesota, to be United States district judge for Minnesota, vice Joseph W. Molyneaux, retired.

UNITED STATES ATTORNEYS

Benjamin Harrison, of California, to be United States attorney for the southern district of California, vice Peirson M. Hall.

Frank J. Hennessy, Esq., to be United States attorney for the northern district of California, vice Hon. Henry H. McPike, whose term has expired.

Victor E. Anderson, of Minnesota, to be United States attorney for the district of Minnesota, vice George F. Sullivan.

COLLECTOR OF INTERNAL REVENUE

Frank F. Gentsch, of Cleveland, Ohio, to be collector of internal revenue for the eighteenth district of Ohio, in place of Carl E. Moore, resigned.

PUBLIC HEALTH SERVICE

The following-named officers in the United States Public Health Service, to rank as such from the dates set opposite their names:

TO BE PASSED ASSISTANT SURGEONS

Asst. Surg. Warren P. Dearing, July 10, 1937.
Asst. Surg. Alexander G. Gilliam, July 10, 1937.
Asst. Surg. Leonard A. Scheele, July 10, 1937.
Asst. Surg. Ralph J. Mitchell, July 10, 1937.
Asst. Surg. William H. Gordon, July 10, 1937.
Asst. Surg. Frederick J. Brady, August 20, 1937.
Asst. Surg. Thomas H. Tomlinson, Jr., August 22, 1937.

TO BE SURGEONS

Passed Asst. Surg. Kirby K. Bryant, July 4, 1937.
Passed Asst. Surg. William H. Sebrell, Jr., June 29, 1937.
Passed Asst. Surg. George G. Holdt, July 1, 1937.
Passed Asst. Surg. Edward R. Pelikan, June 29, 1937.
Passed Asst. Surg. Homer L. Skinner, June 29, 1937.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 12 (legislative day of Aug. 9), 1937

DIPLOMATIC AND FOREIGN SERVICE

TO BE SECRETARIES IN THE DIPLOMATIC SERVICE

Homer Brett	Carol H. Foster
Edward A. Dow	Samuel W. Honaker
Dudley G. Dwyre	Wilbur Keblinger
John G. Erhardt	Graham H. Kemper

George A. Makinson	Edward Caffery
O. Gaylord Marsh	Augustus S. Chase
Lester Maynard	Warren M. Chase
Myrl S. Myers	Alexander P. Cruger
John R. Putnam	Ernest E. Evans
Emil Sauer	Harvey T. Goodier
Hugh H. Watson	Franklin C. Gowen
George L. Brandt	Leonard N. Green
Charles Bridgham Hosmer	Knowlton V. Hicks
John D. Johnson	Frederick W. Hinke
Henry H. Balch	Carlton Hurst
Walter F. Boyle	John B. Ketcham
Parker W. Buhrman	Henry A. W. Beck
Ralph C. Busser	Kenneth C. Krentz
Harold D. Clum	Rufus H. Lane, Jr.
Leslie A. Davis	Harvey Lee Milbourne
Edwin Carl Kemp	Hugh S. Miller
Dayle C. McDonough	Nelson R. Park
Lucien Memminger	James E. Parks
Harold B. Quarton	Joseph P. Ragland
Walter H. Sholes	Albert W. Scott
Alfred R. Thomson	Winfield H. Scott
Richard F. Boyce	George E. Seltzer
Richard P. Butrick	Horace H. Smith
Cecil M. P. Cross	Harry E. Stevens
Hasell H. Dick	Alan N. Steyne
John W. Dye	Mason Turner
Louis H. Gourley	Robert S. Ward
Edward M. Groth	George H. Winters
Robert W. Heingartner	Lloyd D. Yates
Frank Anderson Henry	Gordon L. Burke
George D. Hopper	Horace J. Dickinson
James Hugh Keeley, Jr.	Edmund J. Dorsz
William R. Langdon	Andrew W. Edson
Robert D. Longyear	Carlos C. Hall
Robert B. Macatee	Monroe B. Hall
Charles J. Pisar	Thomas A. Hickok
John Randolph	Phil H. Hubbard
George P. Shaw	Charles A. Hutchinson
Samuel Sokobin	Robert Janz
Harold S. Tewell	John S. Littell
Henry S. Waterman	Odin G. Loren
Henry M. Wolcott	Edward S. Maney
Lawrence S. Armstrong	Harold B. Minor
Roy W. Baker	James B. Pilcher
William E. Beitz	Hugh F. Ramsay
Sidney A. Belovsky	Edward B. Rand
William A. Bickers	Joseph I. Touchette
Ellis A. Bonnet	Walter N. Walmsley, Jr.
Roy E. Bower	Thomas C. Wasson
Howard A. Bowman	John H. Madonne

TO BE CONSULS GENERAL

Harold H. Tittmann, Jr.
Joseph Flack

TO BE CONSULS

H. Freeman Matthews	Hugh Millard
George R. Merrell, Jr.	Walter H. Schoellkopf

DEPARTMENT OF THE NAVY

William R. Furlong to be Chief of the Bureau of Ordnance, Department of the Navy.

FEDERAL BOARD FOR VOCATIONAL EDUCATION

Clarence Poe to be a member of the Federal Board for Vocational Education.

APPOINTMENTS IN THE REGULAR ARMY

MEDICAL CORPS

To be first lieutenants

Harold Robert Carter	Romeyn James Healy, Jr.
Philip Wallace Mallory	John Robert McGraw
Jacob Hal Bridges	Charles Harold Gingles

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

First Lt. Clarence David McGowen.
First Lt. Andrew Thomas McNamara.

PROMOTIONS IN THE REGULAR ARMY

Olin Harrington Longino to be colonel, Coast Artillery Corps.

Peter Hill Ottosen to be colonel, Coast Artillery Corps.

William Ewen Shipp to be lieutenant colonel, Cavalry.

Carl Smith Doney to be lieutenant colonel, Coast Artillery Corps.

Neal Creighton to be major, Air Corps.

Alonzo Maning Drake to be major, Air Corps.

APPOINTMENTS IN THE NATIONAL GUARD OF THE UNITED STATES

Walter Perry Story to be major general, National Guard of the United States.

Lewis Bacon Ballantyne to be brigadier general, National Guard of the United States.

Harcourt Hervey to be brigadier general, National Guard of the United States.

WITHDRAWALS

Executive nominations withdrawn from the Senate August 12 (legislative day of Aug. 9), 1937

POSTMASTERS

LOUISIANA

Jesse D. McBride to be postmaster at Bastrop, in the State of Louisiana.

Virgil N. McNeely to be postmaster at Colfax, in the State of Louisiana.

HOUSE OF REPRESENTATIVES

THURSDAY, AUGUST 12, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our Father, we pray Thee that we may cherish the greatest of gifts—a thankful heart. The emotion of gratitude is often too deep for words, only for expressive silence. We praise Thee that every blessing is a mercy from Thy bountiful hand. Inspire us to respond to Thy generous earth—the radiant, vitalizing sky with its manifold treasures of light and darkness. Thou hast greatly enriched the world with the river of God. Gracious Lord, life at times seems hard, unfair, and its claims excessive, but we rejoice that beneath all there is One eternally good and just. We pray Thee that our spiritual natures may not be dimmed either by disobedience or indifference. O Thou who takest away the sins of the world, assure us that we are not forsaken but forgiven. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1567. An act authorizing the conservation, production, exploitation, and sale of helium gas, a mineral resource pertaining to the national defense and to the development of commercial aeronautics, authorizing the acquisition, by purchase or otherwise, by the United States of properties for the production of helium gas, and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2281) entitled "An act to regulate proceedings in adoption in the District of Columbia", requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints

Mr. KING, Mr. OVERTON, and Mr. CAPPER to be the conferees on the part of the Senate.

PERMISSION TO ADDRESS THE HOUSE

Mr. BIGELOW. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes on Tuesday next following the special orders heretofore ordered.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to address the House at this time for 10 minutes.

Mr. O'BRIEN of Illinois. I object, Mr. Speaker.

Mr. COCHRAN. Mr. Speaker, reserving the right to object, and I do not intend to object, the gentleman from Kansas [Mr. LAMBERTSON] has been addressing the House for 1 or 2 minutes and then placing in the RECORD as an extension of remarks information that is coming to him from people in my city. So far as I know, the gentleman has never made any investigation to determine whether or not the statements furnished him were correct. I do not propose to get in a controversy with the gentleman on the subject, but it does seem to me that he should make some inquiry before accepting everything that is submitted to him.

Mr. Speaker, it was necessary for me to secure permission to extend my remarks because I had not completed my statement when taken off my feet by the demand for the regular order and the objection to the gentleman proceeding. About 2 years ago I stated my views on this subject when requested to do so by the gentleman from Wisconsin [Mr. SAUTHOFF]. I had not intended to make any further comment. My statement then explained my position.

Those opposing the grant by the Government for the Louisiana Purchase memorial project in St. Louis have taken the matter to the Federal courts. An injunction was sought and denied. The papers stated a few days ago another phase of the matter has been submitted to the United States District Court in St. Louis. It is true as the gentleman from Kansas has stated on several occasions that the question of opening the ballot boxes which contain the ballots cast in the bond-issue election is before the Supreme Court of Missouri.

What I wanted to comment on today when deprived of the opportunity was the resolution introduced by the gentleman from Kansas. This resolution provides for a congressional investigation of this project. I wanted to call the gentleman's attention to the fact that six Members of Congress are members of this Commission or I might say five Members of the present Congress and one Member of the Seventy-fourth Congress who was not returned to the present Congress. Two are Members of the House today, one a member of the gentleman's party, and three are Members of the Senate, one a Republican. Aside from this it so happens that William Allen White, a distinguished Republican from the gentleman's own State and a close personal friend of the gentleman, is likewise a member of the Commission. It will be seen that the gentleman desires to investigate Members of Congress as well as his personal friend. I have tried to learn if the gentleman from Kansas has consulted any of the Members of the House or Senate and discussed the matter with them. So far I have not found one that he has talked to. The gentleman himself advised me that his friend Mr. White had written him about the project and indicated, according to the gentleman's own statement, that he, Mr. White, did not agree with some of the remarks credited to him in the CONGRESSIONAL RECORD.

There is but one other reference I desire to make and that is I know that a most honorable and trusted employee of the National Park Service has been assigned to handle this project insofar as seeing that there is absolutely no fraud in connection with the amount paid for land in this area. If there is one thing everyone, Republican and Democrat, most agree on, it is that the Secretary of the Interior, Mr. Ickes, is an honest man and he will see to it that there is no scandal connected with the purchase of the land. I read in the paper the other day that steps had been taken to secure all the land by condemnation proceedings through the Federal court. In other words no private purchases. It is not my purpose to object to the gentleman extending his remarks but I do hope that he will in the future read with care what is furnished him before placing the matter in the RECORD.

Mr. RICH. Regular order, Mr. Speaker.

Mr. O'BRIEN of Illinois. I object, Mr. Speaker.

Mr. LAMBERTSON. Mr. Speaker, I suggest the absence of a quorum, and make the point of order there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 141]

Allen, La.	Eaton	Kramer	Simpson
Atkinson	Ellenbogen	Lemke	Sirovich
Biermann	Farley	Lord	Smith, Conn.
Binderup	Fernandez	Luckey, Nebr.	Smith, Maine
Brewster	Fish	McGroarty	Smith, Va.
Buckley, N. Y.	Fulmer	McLean	Smith, W. Va.
Bulwinkle	Garrett	Maas	Starnes
Cannon, Wis.	Gasque	Meeks	Sullivan
Carter	Gilchrist	Mills	Taylor, Colo.
Case, S. Dak.	Goldsborough	Mitchell, Ill.	Teigan
Chapman	Gray, Ind.	Mouton	Thomas, N. J.
Clason	Hartley	O'Brien, Mich.	Vinson, Ga.
Crosby	Havenner	O'Neal, Ky.	Wadsworth
Crowther	Hill, Ala.	Palmisano	White, Idaho
Culkin	Hoffman	Pfeifer	Wigglesworth
Deen	Keller	Phillips	Wilcox
Dirksen	Kleberg	Rees, Kans.	Withrow
Douglas	Kloeb	Sadowski	Wood

The SPEAKER. Three hundred and fifty-seven Members have answered to their names, a quorum.

On motion of Mr. RAYBURN, further proceedings under the call were dispensed with.

PERMISSION TO ADDRESS THE HOUSE

Mr. MILLS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

Mr. LAMBERTSON. Reserving the right to object, Mr. Speaker——

Mr. MILLS. I hope the gentleman will not object to my having 1 minute.

Mr. LAMBERTSON. Reserving the right to object, and I may not object, but I do want to say that on Tuesday I asked for 5 minutes at the close of the day and the majority leader denied me the 5 minutes. I waited until the close of the day last night, and the gentleman from Chicago denied me the privilege of speaking for 10 minutes. I sat in this House for 6 years before I ever addressed the Chair, and I am going to insist on having 10 minutes this morning, so I object.

EXTENSION OF REMARKS

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my remarks and to include a short address by Dr. Walker, president of Wilberforce University, on the subject President Roosevelt, the Minimum-Wage Bill, and the Negro.

Mr. LAMBERTSON. Mr. Speaker, I am sorry, but I shall have to object.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks by including a brief tribute to our late Speaker, Joseph W. Byrns.

Mr. LAMBERTSON. I am sorry, but, to be consistent, I shall have to object, Mr. Speaker.

Mr. ASHBROOK. These are my own remarks, I may say to the gentleman.

Mr. LAMBERTSON. I object, Mr. Speaker.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

Mr. LAMBERTSON. I object, Mr. Speaker.

PERMISSION TO ADDRESS THE HOUSE

Mr. KITCHENS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

Mr. RICH. Mr. Speaker, reserving the right to object, I may say that I was on the floor of the House night before last when the gentleman from Kansas [Mr. LAMBERTSON] asked for 5 minutes, which was denied. I was here last night when we granted the gentleman from Mississippi [Mr. McGEHEE] 20 minutes, and then we extended his time 10 minutes, and then extended his time further. The gentleman from Kansas waited until the gentleman from Mississippi had concluded his remarks and then tried to get time, but there was objection. I think the gentleman is taking the proper course to get recognition in the House of Representatives. There is no reason under the heavens why he should have been denied time when the House was ready to adjourn. I think the gentleman is only asserting the rights that should belong to any Member of the House, because he waited until the House had been in session until nearly 5 o'clock before submitting his request.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. RICH. I object, Mr. Speaker.

Mr. PARSONS. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. LAMBERTSON] have 10 minutes in which to address the House.

Mr. EDMISTON. Mr. Speaker, I object.

Mr. O'BRIEN of Illinois. Mr. Speaker, I object.

Mr. ENGEL. Mr. Speaker, I ask unanimous consent that after the disposition of business on the Speaker's table and all other business today I be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection?

Mr. DICKSTEIN. Mr. Speaker, I reserve the right to object.

Mr. LAMBERTSON. Mr. Speaker, I shall have to object.

RIVER AND HARBOR BILL, 1938

Mr. MANSFIELD. Mr. Speaker, I call up the conference report on the bill (H. R. 7051) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes which I send to the desk.

The SPEAKER. The gentleman from Texas calls up the conference report on the river and harbor bill, which the Clerk will report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the senate to the bill (H. R. 7051) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, and 52, and agree to the same.

That the Senate recede from its amendment numbered 5.

The committee of conference recommends the transfer of amendment numbered 47 to page 23 after line 10; and the transfer of amendment numbered 48 to page 23, after line 24.

J. J. MANSFIELD,
RENÉ L. DEROUEN,
GEORGE N. SEGER,
ALBERT E. CARTER,
Managers on the part of the House.
ROYAL S. COPELAND,
MORRIS SHEPPARD,
CHARLES L. MCNARY,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7051) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, submit the following written statement explaining the effect of the action agreed upon:

The river and harbor bill as it passed the House authorized new work the total estimated cost of which was $33,687,175.

The amount added by amendment in the Senate was $20,014,350.

Senate amendments to H. R. 7051, involving new authorizations for river and harbor work

Amount carried in H. R. 7051 as passed by the House	$33,687,175
Estimated cost of projects to be considered by Senate Commerce Committee:	
Sandy Hook Bay, N. Y.	768,750
Indian River Inlet and Bay, Del.	283,000
Susquehanna River, Havre de Grace, Md.	1,000
Intracoastal Waterway from Apalachicola Bay to Withlacoochee River, Fla.	480,000
Clearwater Harbor, Fla.	15,000
Mobile Harbor, Ala.	76,000
Calcasieu River and Pass, La.	9,260,000
Bayou Dupre, La.	52,000
Bayous La Loutre, St. Malo, and Yscloskey, La.	48,000
Texas City Channel, Tex.	112,000
Racine Harbor, Wis.	72,600
Mississippi River at Minneapolis, Minn.	5,000,000
Monroe Harbor, Mich.	200,000
Sacramento River, Calif.	2,500,000
Sitka Harbor, Alaska	160,000
San Juan Harbor, P. R.	533,000
Arecibo Harbor, P. R.	468,000
	53,716,525

The Senate made 17 amendments to section 1 of the bill, which authorizes new improvement work. These amendments covered the adoption of new reports received since the Committee on Rivers and Harbors closed its consideration of the bill, except amendment no. 5, authorizing an appropriation of $15,000 for dredging in Clearwater Harbor, Fla., from which the Senate conferees receded. As the result of the conference the amount authorized by the bill for new work is reduced to $53,701,525.

The remaining amendments relate to survey items and verbal amendments, on all of which the House conferees receded.

On amendment no. 1, page 3: Corrects a typographical error.

On amendment no. 2, page 4: Sandy Hook Bay off Atlantic Highlands, N. J. Item adopts new project recommended by the Chief of Engineers for the construction of a rubble-mound breakwater about 4,000 feet in length and the dredging of an area inside this breakwater to a depth of 8 feet. Estimated cost, $850,000. Local interests to contribute $81,250. House conferees recede.

On amendment no. 3, page 4: Indian River Inlet and Bay, Del. Item adopts new project recommended by the Chief of Engineers for the construction of parallel jetties 500 feet apart in the inlet and the dredging of a channel 200 feet wide and 15 feet deep from near ends of jetties to a point in the bay about 7,000 feet from the ocean shore line. Estimated cost, $443,000. Local interests to contribute 50 percent of initial cost, but not to exceed $220,000. House conferees recede.

On amendment no. 4, page 4: Susquehanna River at Havre de Grace, Md. Item adopts project recommended by the Chief of Engineers for the maintenance of the existing small-boat harbor below Concord Point, 400 feet long, 380 feet wide, and 7 feet deep, with approach channel of the same depth, 75 feet wide, leading to deep water off Concord Point. Estimated annual cost, $1,000. House conferees recede.

On amendment no. 5, page 8: Clearwater Harbor, Fla. Item adopts a project not favorably reported on by the Chief of Engineers, for experimental maintenance dredging, local interests to pay half the cost. Estimated cost to the United States not to exceed $15,000. Senate recedes.

On amendment no. 6, page 9: Intracoastal waterway from Apalachicola Bay to St. Marks River, Fla. Item adopts project recommended by the Chief of Engineers for construction of a channel 9 feet deep and 100 feet wide from Apalachicola Bay to St. Marks River, Fla. Estimated cost, $480,000. House conferees recede.

On amendment no. 7, page 9: Mobile Harbor, Ala. (Rivers and Harbors Committee Doc. No. 44, 75th Cong.). Item adopts new project recommended by the Chief of Engineers for widening the existing channel in Mobile River below highway bridge to 500 feet throughout its length. Estimated cost, $76,000. House conferees recede.

On amendment no. 8, page 9: Bayous La Loutre, St. Malo, and Yscloskey, La. Item adopts new project recommended by the Chief of Engineers for a channel 5 feet deep and 40 feet wide from deep water in Lake Borgne to shore line at mouth of Bayou Yscloskey, a channel 6 feet deep and 40 feet wide from deep water in Lake Borgne through Bayous St. Malo, La Loutre, and Eloi to deep water in Lake Eloi, and the removal of snags. Estimated cost, $48,000. House conferees recede.

On amendment no. 9, page 9: Bayou Dupre, La. Item adopts new project recommended by the Chief of Engineers for a channel 6 feet deep from Highway Bridge at Violet, La., to deep water in Lake Borgne, with widths of 80 feet in canal and bayou and 100 feet in the lake with turning basin 100 feet wide and 200 feet long at bayou. Estimated cost, $52,000. House conferees recede.

On amendment no. 10, page 10: Calcasieu River and Pass, La. Item adopts new project recommended by the Chief of Engineers for a channel 30 feet deep and 250 feet wide from the wharves of Lake Charles Harbor and Terminal district to the Gulf of Mexico by way of Calcasieu River. Estimated cost $5,860,000. And for the extension of the jetties to the 15-foot contour, if found advisable to reduce maintenance-dredging costs. Estimated cost, $3,400,000. House conferees recede.

On amendment no. 11, page 10: Texas City Channel, Tex. Item adopts new project recommended by the Chief of Engineers for the extension of the harbor basin 1,000 feet to the southward at present depth of 34 feet and width of 800 feet. Estimated cost, $112,000. House conferees recede.

On amendment no. 12, page 10: Corrects a typographical error.

On amendment no. 13, page 11: Item adopts project for extending the 9-foot channel of the upper Mississippi River project above St. Anthonys Falls, Minneapolis, Minn., the improvement being needed so that more adequate terminal facilities can be provided. The plans of improvement are to be subject to the final approval of the Board of Engineers for Rivers and Harbors. The following is a letter from Brig. Gen. G. B. Pillsbury, Acting Chief of Engineers, United States Army, regarding this amendment:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, August 10, 1937.

Hon. JOSEPH J. MANSFIELD,
Chairman, Committee on Rivers and Harbors,
House of Representatives, Washington, D. C.

MY DEAR JUDGE MANSFIELD: In reply to your letter of August 7, I take pleasure in furnishing you a statement showing the estimated cost and the kind of work involved in the project covered by amendment no. 13 to the river and harbor authorization bill, H. R. 7051, providing for the extension of the 9-foot channel in the Mississippi River above St. Anthonys Falls, in accordance with the plan contained in House Document No. 137, Seventy-second Congress, first session, subject to such changes as may be found advisable by the Chief of Engineers, and the final approval of the plan by the Board of Engineers for Rivers and Harbors as necessary to provide adequate terminal facilities for Minneapolis.

The Mississippi River flows through the lower portion of the city of Minneapolis in a deep gorge which restricts access to the river. This gorge terminates at the Falls of St. Anthony, above which the banks of the river are low and suitable for terminal development. The plan for improvement of this section contained in House Document No. 137, Seventy-second Congress, provided for the construction of two locks and channel excavation to afford a channel 9 feet in depth at an estimated cost of $6,384,500 for the construction work to be undertaken by the United States, and a total of $646,000 for bridge changes to be borne by the bridge owners. The report concluded that the costly industrial works required to carry navigation above St. Anthonys Falls were not then justified.

The Board of Engineers for Rivers and Harbors was requested by a resolution of the Committee on Commerce of the United States Senate adopted June 6, 1935, to review this item of the report with a view to determining if any modification of the conclusions therein with respect to this item is advisable at the present time. After a further study of the improvement, the district engineer presented a revised plan and estimates, including the locks in the upper and lower falls, respectively, at an estimated construction cost of $4,480,000 for the United States, $391,000 for the city of Minneapolis in lowering a water main and providing movable spans and three highway bridges, and at an estimated cost of $255,000 by the owners of the two railroad bridges to provide removable spans therein. The district and division engineers did not recommend the improvement. After a hearing before the Board, the division engineer was requested to give further engineering study to the report. His final report is not yet received.

The information before the Department indicates that the 9-foot channel, with two single locks, could be provided to reach the upper portion of the river in Minneapolis, at a cost to the United States of not to exceed $5,000,000.

Sincerely yours,

G. B. PILLSBURY,
Brigadier General, Acting Chief of Engineers.

On amendment no. 14, page 12: Racine Harbor, Wis. Item adopts new project recommended by the Chief of Engineers for the removal of shoals one-half mile lakeward of the harbor entrance to a minimum depth of 25 feet, widening outer harbor basin on the southward to a total width of 825 feet and depth of 19 feet, with suitably increased depth at the entrance, and dredging the channel in Root River below the Fourth Street bridge to a depth of 19 feet and general widths of 95 to 190 feet. Estimated cost $72,600. House conferees recede.

On amendment no. 15, page 12: Monroe Harbor, Mich. Item adopts project recommended by the Chief of Engineers for the modification of the present project to provide that the contribution by local interests toward the initial cost of the improvement shall total $300,000, payable in annual installments of $50,000. House conferees recede.

On amendment no. 16, page 13: Sacramento River flood control, California. Item adopts new project recommended by the Chief of Engineers for the construction by the United States of bank-protection works and levee set-backs substantially as included in the 5-year program recommended by the California Debris Commission and the maintenance, during construction of these works, of the enlarged river channel below Cache Slough, including the revetment of the banks of the cut. Estimated cost, $2,500,000. House conferees recede.

On amendment no. 17, page 15: Sitka Harbor, Alaska. Item adopts new project recommended by the Chief of Engineers for a small-boat basin, 10 feet deep and approximately 6½ acres in area, protected by about 1,900 feet of rock-mound breakwaters. Estimated cost, $160,000. House conferees recede.

On amendment no. 18, page 15: San Juan Harbor, P. R. Item adopts new project recommended by the Chief of Engineers for widening the Anegado Reach between entrance channel and anchorage basin to afford a channel 30 feet deep with width decreasing from 1,200 feet at its outer end to 1,000 feet near the anchorage basin, and for enlarging the anchorage basin to afford an additional area of 90 acres, with a depth of 30 feet. Estimated cost, $633,000. Local interests to contribute $100,000. House conferees recede.

On amendment no. 19, page 15: Arecibo Harbor, P. R. Item adopts new project recommended by the Chief of Engineers for an entrance and approach channel and a maneuvering area of 25 feet depth protected on the north by a stone breakwater. Estimated cost, $756,000. Local interests to contribute $288,000. House conferees recede.

On amendment no. 20, page 15: Corrects a typographical error.

On amendment no. 21, page 18: Project for the construction of the Marshall Ford Dam wholly adopted by striking out words "first stage", which only partially adopted this work.

Preliminary examination and survey items

On amendment no. 22: Northeast Harbor, Maine.

On amendment no. 23: Presumpscot Harbor, Maine.

On amendment no. 24: Portland Harbor, Maine, north of House Island, to determine advisability of removing shoal.

On amendment no. 25: Ipswich River, Mass.

On amendment no. 26: Clinton Harbor, Conn.

On amendment no. 27: Waterway from Albany to Schenectady, N. Y., by way of Hudson and Mohawk Rivers, with a view to securing a depth of 27 feet and suitable width.

On amendment no. 28: Baltimore Harbor and Channels, Md.

On amendment no. 29: Channels to and near Jefferson Islands, Chesapeake Bay, Md., with a view to their establishment as an aid to navigation and the establishment of a harbor of refuge.

On amendment no. 30: Folly Creek, Accomac County, Va.

On amendment no. 31: Woods Creek, Middlesex County, Va.

On amendment no. 32: Dolls Creek, N. C.

On amendment no. 33: Channel from Edenton Bay, N. C., into Pembroke Creek to United States Fish Hatchery.

On amendment no. 34: Indian River (Vero Beach), St. Johns River Waterway, Fla.

On amendment no. 35: Caloosahatchee River and Lake Okeechobee drainage areas, Florida, with a view to constructing additional levees between Kissimmee River and Fisheating Creek.

On amendment no. 36: Bayou Teche, La. Upper portion with a view to improvement in the interest of navigation and flood control.

On amendment no. 37: Colorado River and its tributaries, Tex., with a view to its improvement in the interest of navigation and flood control.

On amendment no. 38: Goose Creek, Tex. Deep-water channel and port.

On amendment no. 39: Arroyo Colorada, Tex. A channel from a point at or near Mercedes, Tex., to its mouth, thence south in Laguna Madre to Port Isabel.

On amendment no. 40: Survey of channel for the purposes of navigation from Jefferson, Tex., to Shreveport, La., by way of Jefferson-Shreveport Waterway, thence by way of Red River to mouth of Red River in the Mississippi River, including advisability of water-supply reservoirs in Cypress River and Black Cypress River above head of navigation.

On amendment no. 41: Brazos River, Tex. A comprehensive survey with a view to preparing plans, estimates of the cost of improvements for navigation, flood control, water conservation, and reclamation, excluding therefrom work now in progress under the Works Progress Administration. The expense of such survey shall be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

On amendment no. 42: Allens Creek, a tributary of the Brazos River in Austin County, Tex., in the interest of navigation and of flood control.

On amendment no. 43: Mill Creek, a tributary of the Brazos River in Austin County, Tex., in the interest of navigation and of flood control.

On amendment no. 44: Navidad River, Tex., in the interest of navigation and of flood control.

On amendment no. 45: Lavaca River, Tex., in the interest of navigation and of flood control.

On amendment no. 46: Channel or channels across Padre Island, Tex., from Laguna Madre to the Gulf of Mexico.

On amendment no. 47: Canal from Ouachita River to Huttig, Ark.

On amendment no. 48: Saginaw Bay, Mich.

On amendment no. 49: Erie Harbor, Pa. Beach no. 2.

On amendment no. 50: Rochester (Charlotte) Harbor, Genesee River, N. Y.

On amendment no. 51: Necanicum River, Oreg.

On amendment no. 52: Port Angeles Harbor, Wash.

The House conferees recede on all survey items.

J. J. MANSFIELD,
RENÉ L. DEROUEN,
GEORGE N. SEGER,
ALBERT E. CARTER,
Managers on the part of the House.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield.

Mr. RICH. Take amendment no. 29:

Channels to and near Jefferson Island, Chesapeake Bay, Md., with a view to their establishment as an aid to navigation and the establishment of a harbor of refuge.

Will the chairman of the committee inform us whether that harbor of refuge is to be a harbor for worn-out Democrats, or is it the purpose to establish a wildlife harbor of refuge? If you are going to have a wildlife harbor of refuge on Jefferson Island, then are they going to permit the Democrats to go to that island, especially the Jeffersonian Democrats, or will they all be New Deal Democrats who will be permitted to go to Jefferson Island?

Mr. MANSFIELD. Mr. Speaker, first let me say to the gentleman from Pennsylvania [Mr. RICH] that I hope that when this channel is made, Jefferson Island will be eligible for the best type of Republicans as well as Democrats. [Laughter.]

I do not desire to take up any time of the House unnecessarily. The conference report is embraced in the RECORD, which all Members may read for themselves, if they have not already done so. The amendments that have been added by the Senate are amendments that in nearly every instance came in through the regular course from the Chief of Engineers after the bill had passed the House. Of course, they were eligible for consideration by the Senate Committee on Commerce, just the same as they would have been by the House committee if they had come in earlier.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. Yes.

Mr. COLMER. Do I understand that any of these amendments suggested by the Senate did not have the approval of the Chief of Engineers?

Mr. MANSFIELD. Except one they all have the approval of the engineers. The only one not so approved was the Clearwater Harbor, Fla., provision, which was voted out by the House, and the House conferees did not accept it.

Mr. COLMER. Then, if these reports on projects added by the Senate had been made prior to the action by the Rivers and Harbors Committee in the House, in all likelihood they would have been included in the original bill?

Mr. MANSFIELD. Almost beyond question.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. Yes.

Mr. MOTT. What is the item on page 2?—

Intracoastal waterway from Apalachicola Bay to St. Marks River, Fla.

Is that a part of the Florida ship canal?

Mr. MANSFIELD. No.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. Yes.

Mr. RICH. How much did the conference report add to the original appropriation? Are there any increases from what it was originally?

Mr. MANSFIELD. Yes; there are two quite large items, and then there are minor ones. It adds $20,014,350 to the House bill.

Mr. RICH. Does the gentleman not think that he should do something, either by the House conferees or the Senate conferees, to eliminate items and not have these appropriation bills so increased?

Mr. MANSFIELD. This does not affect the appropriations for the coming year. These projects will be eligible for appropriations next year and thereafter. This is a legislative bill adopting projects and authorizing appropriations hereafter for prosecuting these improvements when Congress wants to make them. Of the two larger items I refer to, one is at Lake Charles, La., and the other is the Mississippi River at Minneapolis, Minn. They constitute more than half the increase and are very meritorious projects.

Mr. RICH. The only thing is this: If we authorize a lot of these projects, then there are many more people hounding the Committee on Appropriations to have the funds appropriated; and it seems to me, if the gentleman will look at the daily statements of the Treasury, he will see that we cannot continue to go on the way we are, because daily, ever since this year began, we have increased our Budget appropriations by over $7,000,000 a day, and something may crack some day if we do not cut down.

Mr. MANSFIELD. Mr. Speaker, I compliment the gentleman from Pennsylvania for his earnestness in trying to cut down the cost of government, and I am with him 100 percent wherever it is practicable to accomplish that end. The improvements necessary for the handling of our commerce are things that we cannot disregard. Commerce is increasing enormously in various sections of the country and steps must be taken to care for the new conditions arising.

Mr. RICH. I would like to make this observation: That since the 1st day of August, up to August 6, we have spent at the rate of $4,933 a minute more than we have received. Think of it! Four thousand nine hundred and thirty-three dollars a minute; while you eat, while you sleep, while you work, and while you play, every hour of the day you are going that much in the red. Something, somehow, sometime, will crack in this Nation if we do not stop.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield.

Mr. JENKINS of Ohio. I notice the Senate has added amendments which total about $20,000,000.

Mr. MANSFIELD. Yes.

Mr. JENKINS of Ohio. The House has receded on many of the amendments. Do those amendments where the House recedes carry any considerable amount of money, or are they mostly immaterial matters?

Mr. MANSFIELD. The majority of them are surveys which may not cost anything. Unless they are proved to be very meritorious the cost will be infinitesimal. Those that are not surveys, some eight or nine, have been reported upon favorably by both the board and the Chief of Engineers of the War Department in the regular course of their duties.

Mr. JENKINS of Ohio. Of course the distinguished chairman of this committee knows more about these flood-control matters than I do, although I have applied myself rather assiduously to keep posted. I notice the absence of any mention of projects that deal primarily with the control of floods in the Ohio Valley.

Mr. MANSFIELD. We do not handle flood-control matters in our committee unless they are incidental to improvements primarily for other purposes.

Mr. JENKINS of Ohio. I know; but does not your committee take into consideration the construction of some projects that have been accepted by the Army engineers as being a part of the flood-control program?

Mr. MANSFIELD. Where they are incidental to navigation and other purposes of improvement, yes, that is true.

Mr. JENKINS of Ohio. Has there been any taking out of any projects in the vicinity of Pittsburgh and that section which have to do with the holding back of the water of the Ohio River?

Mr. MANSFIELD. None whatever. Furthermore, we favor everything that the engineering branch of the Government will recommend as necessary and useful for that section.

Mr. JENKINS of Ohio. As this bill passed the House it carried a provision with reference to the Scioto-Sandusky plan in Ohio. That is still in the bill, is it?

Mr. MANSFIELD. They took nothing out in the Senate. If that provision was in it when it passed the House it remains there yet, but I believe a provision to that effect was included in the omnibus flood-control bill instead of the river and harbor bill.

Mr. OLIVER. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield.

Mr. OLIVER. On page 5 of the report, amendment no. 23, "Presumpscot Harbor, Maine", I wonder if the gentleman would offer an amendment to change that "Presumpscot Harbor", that being a misprint?

Mr. MANSFIELD. This has already been approved by the Senate.

Mr. OLIVER. I am wondering whether anything could be done to correct that wording.

Mr. MANSFIELD. I do not think there can at this time.

Mr. Speaker, unless there are some other questions that Members desire to ask, I do not care to make any further statement at this time. I move the adoption of the conference report, Mr. Speaker, and on that I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

NAVIGATION FACILITIES ON THE COLUMBIA RIVER-BONNEVILLE PROJECT

Mr. MANSFIELD. Mr. Speaker, I call up the conference report on the bill (H. R. 7642) authorizing the completion, maintenance, and operation of Bonneville project for navigation, and for other purposes.

The Clerk read the title of the bill.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7642) authorizing the completion, maintenance, and operation of Bonneville project for navigation, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with two amendments as follows: In section 2 (a) of the amendment, in the twenty-second line of this section, strike out "administrator is authorized and empowered to direct and require the", and in line 24 strike out the word "to" and insert "shall"; so as to make the sentence read "The Secretary of War shall install and maintain additional machinery, equipment, and facilities for the generation of electric energy at the Bonneville project when in the judgment of the administrator such additional generating facilities are desirable to meet actual or potential market requirements for such electric energy." At the end of section 11 of the amendment, strike out the period, insert a comma, and add the words "including installation of equipment and machinery for the generation of electric energy and facilities for its transmission and sale."

As so amended your committee of conference recommends that the bill do pass.

J. J. MANSFIELD,
RENÉ L. DEROUEN,
GEORGE N. SEGER,
ALBERT E. CARTER,
Managers on the part of the House.

ROYAL S. COPELAND,
CHAS. L. MCNARY,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

No material changes were made in the provisions of the House bill by the Senate amendment.

The bill, as agreed to, reads as follows:

"An act to authorize the completion, maintenance, and operation of Bonneville project for navigation, and for other purposes

"Be it enacted, etc., That for the purpose of improving navigation on the Columbia River, and for other purposes incidental thereto, the dam, locks, power plant, and appurtenant works now under construction at Bonneville, Oreg., and North Bonneville, Wash. (hereinafter called Bonneville project), shall be completed, maintained, and operated under the direction of the Secretary of War and the supervision of the Chief of Engineers, subject to the provisions of this act relating to the powers and duties of the Bonneville power administrator provided for in section 2 (a) (hereinafter called the administrator) respecting the transmission and sale of electric energy generated at said project. The Secretary of War shall provide, construct, operate, maintain, and improve at Bonneville project such machinery, equipment, and facilities for the generation of electric energy as the administrator may deem necessary to develop such electric energy as rapidly as markets may be found therefor. The electric energy thus generated and not required for the operation of the dam and locks at such project and the navigation facilities employed in connection therewith shall be delivered to the administrator, for disposition as provided in this act.

SEC. 2. (a) The electric energy generated in the operation of the said Bonneville project shall be disposed of by the said administrator as hereinafter provided. The administrator shall be appointed by the Secretary of the Interior; shall be responsible to said Secretary of the Interior; shall receive a salary at the rate of $10,000 per year; and shall maintain his principal office at a place selected by him in the vicinity of the Bonneville project. The administrator shall, as hereinafter provided, make all arrangements for the sale and disposition of electric energy generated at Bonneville project not required for the operation of the dam and locks at such project and the navigation facilities employed in connection therewith. He shall act in consultation with an advisory board composed of a representative designated by the Secretary of War, a representative designated by the Secretary of the Interior, a representative designated by the Federal Power Commission, and a representative designated by the Secretary of Agriculture. The form of administration herein established for the Bonneville project is intended to be provisional pending the establishment of a permanent administration for Bonneville and other projects in the Columbia River Basin. The Secretary of War shall install and maintain additional machinery, equipment, and facilities for the generation of electric energy at the Bonneville project when in the judgment of the administrator such additional generating facilities are desirable to meet actual or potential market requirements for such electric energy. The Secretary of War shall schedule the operations of the several electrical generating units and appurtenant equipment of the Bonneville project in accordance with the requirements of the administrator. The Secretary of War shall provide and maintain for the use of the administrator at said Bonneville project adequate station space and equipment, including such switches, switchboards, instruments, and dispatching facilities as may be required by the administrator for proper reception, handling, and dispatching of the electric energy produced at the said project, together with transformers and other equipment required by the administrator for the transmission of such energy from that place at suitable voltage to the markets which the administrator desires to serve.

"(b) In order to encourage the widest possible use of all electric energy that can be generated and marketed and to provide reasonable outlets therefor, and to prevent the monopolization thereof by limited groups, the administrator is authorized and directed to provide, construct, operate, maintain, and improve such electric transmission lines and substations, and facilities and structures appurtenant thereto, as he finds necessary, desirable, or appropriate for the purpose of transmitting electric energy, available for sale, from the Bonneville project to existing and potential markets, and, for the purpose of interchange of electric energy, to interconnect the Bonneville project with other Federal projects and publicly owned power systems now or hereafter constructed.

"(c) The administrator is authorized, in the name of the United States, to acquire, by purchase, lease, condemnation, or donation, such real and personal property, or any interest therein, including lands, easements, rights-of-way, franchises, electric transmission lines, substations, and facilities and structures appurtenant thereto, as the administrator finds necessary or appropriate to carry out the purposes of this act. Title to all property and property rights acquired by the administrator shall be taken in the name of the United States.

"(d) The administrator shall have power to acquire any property or property rights, including patent rights, which in his opinion are necessary to carry out the purposes of this act, by the exercise of the right of eminent domain and to institute condemnation proceedings therefor in the same manner as is provided by law for the condemnation of real estate.

"(e) The administrator is authorized, in the name of the United States, to sell, lease, or otherwise dispose of such personal property as in his judgment is not required for the purposes of this act and such real property and interests in land acquired in connection with construction or operation of electric transmission lines or substations as in his judgment are not required for the purposes of this act: *Provided, however,* That before the sale, lease, or disposition of real property or transmission lines, as herein provided, the administrator shall secure the approval of the President of the United States.

"(f) Subject to the provisions of this act, the administrator is authorized, in the name of the United States, to negotiate and enter into such contracts, agreements, and arrangements as he shall find necessary or appropriate to carry out the purposes of this act.

"SEC. 3. As employed in this act, the term 'public body', or 'public bodies', means States, public power districts, counties, and municipalities, including agencies or subdivisions of any thereof.

"As employed in this act, the term 'cooperative', or 'cooperatives', means any form of non-profit-making organization or organizations of citizens supplying, or which may be created to supply, members with any kind of goods, commodities, or services, as nearly as possible at cost.

"SEC. 4. (a) In order to insure that the facilities for the generation of electric energy at the Bonneville project shall be operated for the benefit of the general public, and particularly of domestic and rural consumers, the administrator shall at all times, in disposing of electric energy generated at said project, give preference and priority to public bodies and cooperatives.

"(b) To preserve and protect the preferential rights and priorities of public bodies and cooperatives as provided in section (a) and to effectuate the intent and purpose of this act that at all times up to January 1, 1941, there shall be available for sale to public bodies and cooperatives not less than 50 percent of the

electric energy produced at the Bonneville project, it shall be the duty of the administrator in making contracts for the sale of such energy to so arrange such contracts as to make such 50 percent of such energy available to said public bodies and cooperatives until January 1, 1941: *Provided*, That the electric energy so reserved for but not actually purchased by and delivered to such public bodies and cooperatives prior to January 1, 1941, may be disposed of temporarily so long as such temporary disposition will not interfere with the purchase by and delivery to such public bodies and cooperatives at any time prior to January 1, 1941: *Provided further*, That nothing herein contained shall be construed to limit or impair the preferential and priority rights of such public bodies or cooperatives after January 1, 1941; and in the event that after such date there shall be conflicting or competing applications for an allocation of electric energy between any public body or cooperative on the one hand and a private agency of any character on the other, the application of such public body or cooperative shall be granted.

"(c) An application by any public body or cooperative for an allocation of electric energy shall not be denied, or another application competing or in conflict therewith be granted, to any private corporation, company, agency, or person, on the ground that any proposed bond or other security issue of any such public body or cooperative, the sale of which is necessary to enable such prospective purchaser to enter into the public business of selling and distributing the electric energy proposed to be purchased, has not been authorized or marketed, until after a reasonable time, to be determined by the administrator, has been afforded such public body or cooperative to have such bond or other security issue authorized or marketed.

"(d) It is declared to be the policy of the Congress, as expressed in this act, to preserve the said preferential status of the public bodies and cooperatives herein referred to, and to give to the people of the States within economic transmission distance of the Bonneville project reasonable opportunity and time to hold any election or elections or take any action necessary to create such public bodies and cooperatives as the laws of such States authorize and permit, and to afford such public bodies or cooperatives reasonable time and opportunity to take any action necessary to authorize the issuance of bonds or to arrange other financing necessary to construct or acquire necessary and desirable electric distribution facilities, and in all other respects legally to become qualified purchasers and distributors of electric energy available under this act.

"SEC. 5. (a) Subject to the provisions of this act and to such rate schedules as the Federal Power Commission may approve, as hereinafter provided, the administrator shall negotiate and enter into contracts for the sale at wholesale of electric energy, either for resale or direct consumption, to public bodies and cooperatives and to private agencies and persons. Contracts for the sale of electric energy to any private person or agency other than a privately owned public utility engaged in selling electric energy to the general public, shall contain a provision forbidding such private purchaser to resell any of such electric energy so purchased to any private utility or agency engaged in the sale of electric energy to the general public, and requiring the immediate canceling of such contract of sale in the event of violation of such provision. Contracts entered into under this subsection shall be binding in accordance with the terms thereof and shall be effective for such period or periods, including renewals or extensions, as may be provided therein, not exceeding in the aggregate 20 years from the respective dates of the making of such contracts. Contracts entered into under this subsection shall contain (1) such provisions as the administrator and purchaser agree upon for the equitable adjustment of rates at appropriate intervals, not less frequently than once in every 5 years, and (2) in the case of a contract with any purchaser engaged in the business of selling electric energy to the general public, the contract shall provide that the administrator may cancel such contract upon 5 years' notice in writing if, in the judgment of the administrator, any part of the electric energy purchased under such contract is likely to be needed to satisfy the requirements of the said public bodies or cooperatives referred to in this act, and that such cancelation may be with respect to all or any part of the electric energy so purchased under said contract to the end that the preferential rights and priorities accorded public bodies and cooperatives under this act shall at all times be preserved. Contracts entered into with any utility engaged in the sale of electric energy to the general public shall contain such terms and conditions, including among other things stipulations concerning resale and resale rates by any such utility, as the administrator may deem necessary, desirable, or appropriate to effectuate the purposes of this act and to insure that resale by such utility to the ultimate consumer shall be at rates which are reasonable and nondiscriminatory. Such contract shall also require such utility to keep on file in the office of the administrator a schedule of all its rates and charges to the public for electric energy and such alterations and changes therein as may be put into effect by such utility.

"(b) The administrator is authorized to enter into contracts with public or private power systems for the mutual exchange of unused excess power upon suitable exchange terms for the purpose of economical operation or of providing emergency or break-down relief.

"SEC. 6. Schedules of rates and charges for electric energy produced at the Bonneville project and sold to purchasers as in this act provided shall be prepared by the administrator and become effective upon confirmation and approval thereof by the Federal Power Commission. Subject to confirmation and approval by the Federal Power Commission, such rate schedules may be modified from time to time by the administrator, and shall be fixed and established with a view to encouraging the widest possible diversified use of electric energy. The said rate schedules may provide for uniform rates or rates uniform throughout prescribed transmission areas in order to extend the benefits of an integrated transmission system and encourage the equitable distribution of the electric energy developed at the Bonneville project.

"SEC. 7. It is the intent of Congress that rate schedules for the sale of electric energy which is or may be generated at the Bonneville project in excess of the amount required for operating the dam, locks, and appurtenant works at said project shall be determined with due regard to and predicated upon the fact that such electric energy is developed from water power created as an incident to the construction of the dam in the Columbia River at the Bonneville project for the purposes set forth in section 1 of this act. Rate schedules shall be drawn having regard to the recovery (upon the basis of the application of such rate schedules to the capacity of the electric facilities of Bonneville project) of the cost of producing and transmitting such electric energy, including the amortization of the capital investment over a reasonable period of years. Rate schedules shall be based upon an allocation of costs made by the Federal Power Commission. In computing the cost of electric energy developed from water power created as an incident to and a byproduct of the construction of the Bonneville project, the Federal Power Commission may allocate to the costs of electric facilities such a share of the cost of facilities having joint value for the production of electric energy and other purposes as the power development may fairly bear as compared with such other purposes.

"SEC. 8. Notwithstanding any other provision of law, all purchases and contracts made by the administrator or the Secretary of War for supplies or for services, except for personal services, shall be made after advertising, in such manner and at such times, sufficiently in advance of opening bids, as the administrator or Secretary of War, as the case may be, shall determine to be adequate to insure notice and opportunity for competition. Such advertisement shall not be required, however, when (1) an emergency requires immediate delivery of the supplies or performance of the services; or (2) repair parts, accessories, supplemental equipment, or services are required for supplies or services previously furnished or contracted for; or (3) the aggregate amount involved in any purchase of supplies or procurement of services does not exceed $500; in which case such purchases of supplies or procurement of services may be made in the open market in the manner common among businessmen. In comparing bids and in making awards, the administrator or the Secretary of War, as the case may be, may consider such factors as relative quality and adaptability of supplies or services, the bidder's financial responsibility, skill, experience, record of integrity in dealing, and ability to furnish repairs and maintenance services, the time of delivery or performance offered, and whether the bidder has complied with the specifications.

"SEC. 9. (a) The administrator, subject to the requirements of the Federal Water Power Act, shall keep complete and accurate accounts of operations, including all funds expended and received in connection with transmission and sale of electric energy generated at the Bonneville project.

"(b) The administrator may make such expenditures for offices, vehicles, furnishings, equipment, supplies, and books; for attendance at meetings; and for such other facilities and services as he may find necessary for the proper administration of this Act.

"(c) In December of each year, the administrator shall file with the Congress, through the Secretary of the Interior, a financial statement and a complete report as to the transmission and sale of electric energy generated at the Bonneville project during the preceding governmental fiscal year.

"SEC. 10. The administrator, the Secretary of War, and the Federal Power Commission, respectively, shall appoint such attorneys, engineers, and other experts as may be necessary for carrying out the functions entrusted to them under this Act, without regard to the provisions of the civil-service laws and shall fix the compensation of each of such attorneys, engineers, and other experts at not to exceed $7,500 per annum; and they may, subject to the civil-service laws, appoint such other officers and employees as may be necessary to carry out such functions and fix their salaries in accordance with the Classification Act of 1923 as amended.

"SEC. 11. All receipts from transmission and sale of electric energy generated at the Bonneville project shall be covered into the Treasury of the United States to the credit of miscellaneous receipts, save and except that the Treasury shall set up and maintain from such receipts a continuing fund of $500,000, to the credit of the administrator and subject to check by him, to defray emergency expenses and to insure continuous operation. There is hereby authorized to be appropriated from time to time, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act, including installation of equipment and machinery for the generation of electric energy and facilities for its transmission and sale.

"SEC. 12. The Administrator may, in the name of the United States, under the supervision of the Attorney General, bring such suits at law or in equity as in his judgment may be necessary to carry out the purposes of this Act; and he shall be represented in the prosecution and defense of all litigation affecting the status or operation of Bonneville project by the United States attor-

neys for the districts, respectively, in which such litigation may arise, or by such attorney or attorneys as the Attorney General may designate as authorized by law, in conjunction with the regularly employed attorneys of the Administrator.

"SEC. 13. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby."

J. J. MANSFIELD,
RENÉ L. DEROUEN,
GEORGE N. SEGER,
ALBERT E. CARTER,
Managers on the part of the House.

Mr. MANSFIED. Mr. Speaker, the so-called Bonneville project bill has been under consideration by the Committee on Rivers and Harbors for many months. It involved a great many controversies that seemed to be almost incapable of being reconciled. We finally whipped it into such shape that it passed the House and went to the Senate. The Senate, after their controversies were ironed out over there, finally ratified the bill and passed it substantially as it was passed in the House. In the conference with the Senate conferees we have agreed unanimously to two clarifying amendments, which do not alter or change the sense or purport of the bill in any way.

Unless there are some questions that some Member desires to ask, I shall not detain you any longer.

I move the adoption of the conference report, Mr. Speaker, and on that I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

BONNEVILLE IS ALSO A STATE OF WASHINGTON PROJECT

Mr. SMITH of Washington. Mr. Speaker, the Bonneville Dam project on the Columbia River in the Pacific Northwest is as much a State of Washington as it is an Oregon project. I have for 5 years, and particularly during the past year, put forth my every effort to make it a two-State project instead of allowing Portland and Oregon to "bottle it up" for their own aggrandizement to serve the proposed plant of the Bohn Aluminum & Brass Co., which Portland interests have sought to have located in their city and thereby monopolize the electric-power output of the Bonneville Dam. My position is confirmed by the statement which appears in the impartial and nonpartisan report on the Bonneville project contained in Power in the State of Washington, A Survey of Power, Irrigation, and Conservation, and Their Relationship to the Public Interest, by Herebert A. Resner; published by W. P. A., State of Washington, on pages 40–42 thereof, reading as follows:

> However, the real difficulty in the economic distribution of Bonneville power is the fact that Oregon, and especially Portland, is suffering under the delusion that the Bonneville plant is for their exclusive advantage, and that Washington is uncommonly brazen in harboring the idea that they, too, should benefit by this development.

However, this selfish attempt is defeated by the bill which has just passed the Senate, and which conforms in every important detail with the House bill, for in it preferential rights to the local communities, farm cooperatives, and public-utility districts are securely provided for the same as in the House bill. We have saved Bonneville for the people. Those citizens who are interested in the history of the Bonneville legislation in Congress this year should read the hearings held before the Committee on Rivers and Harbors of the House of Representatives, on which I hold membership, consisting of over 500 pages of printed matter, as a result of which the law for the administration of Bonneville was formulated.

The Senate bill as amended also locates the Bonneville project at North Bonneville, Wash., as well as Bonneville, Oreg., and restores the language of the House bill which had been stricken from the Senate bill as substituted by the Senator from Oregon [Mr. MCNARY] by unanimous consent.

I append hereto the correspondence relating to this important proviso.

CONGRESS OF THE UNITED STATES,
House of Representatives,
Washington, D. C., August 9, 1937.

Hon. HOMER T. BONE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In the proceedings of the Senate, as published Friday, August 6, in the CONGRESSIONAL RECORD, I note on pages 8390–8392 that under unanimous consent Senator MCNARY substituted the text of the Senate bill on the Bonneville project for the text of the measure passed by the House, and that in the Senate bill the project is designated as being located at Bonneville, Oreg.

I would call your attention to the action which I took in the House, as a result of which the House bill shows the project as also located at North Bonneville, Wash. This important fact—that the dam structure is in the State of Washington as well as in Oregon, and the added fact that the main trunk transmission line will be in the State of Washington, resulted in the House phraseology being approved by the Army Engineers, the Federal Power Policy Committee, and other agencies directly interested in the legislation.

This, of course, is of the utmost importance to the residents of Skamania County and all southwest Washington, and I hope you and Senator SCHWELLENBACH will submit an amendment in the Senate bringing the State of Washington into the Bonneville legislative picture.

With cordial personal regards, I am,
Sincerely yours,

MARTIN F. SMITH.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 9, 1937.

Hon. MARTIN F. SMITH,
House of Representatives, Washington, D. C.

MY DEAR MR. SMITH: I am in receipt of your letter of March 4, in which you suggest a minor change in the amendment to the bill H. R. 4948, to provide for the sale of power from Bonneville Dam, this amendment being the insertion of the words "North Bonneville, Wash.", after "Bonneville, Oreg.", in section 1.

I can perceive no objection to the correction indicated.

Very truly yours,

E. M. MARKHAM,
Major General, Chief of Engineers.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 4, 1937.

Maj. Gen. E. M. MARKHAM,
Chief, United States Army Engineers,
Washington, D. C.

MY DEAR GENERAL MARKHAM: I am very pleased to acknowledge receipt of your letter of even date enclosing suggested amendments to my bill, H. R. 4948.

I appreciate having this expression from you and am glad to assure you I shall support the amendments vigorously. They are in line with the statements I made before the President's power committee.

I have taken the liberty of making one slight change, which, you will realize, is very important to my southwest Washington district. In section 1 I have inserted the words "North Bonneville, Wash.", after "Bonneville, Oreg." In other words, General Markham, my constituents feel the Washington side of the project should receive equal consideration with the portion on the Oregon side of the Columbia; it is a two-State project. I am sure you will understand and agree with this view.

With cordial personal regards, I am,
Sincerely yours,

MARTIN F. SMITH.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 4, 1937.

Hon. MARTIN F. SMITH,
House of Representatives, Washington, D. C.

MY DEAR MR. SMITH: I am enclosing herewith, for your consideration, a copy of H. R. 4948, with suggested amendments, which would change the provisions of sections 1 and 2 (a). The original bill provides for the operation and maintenance of the dam and power-house by the Columbia River administrator and for the operation of the locks by the War Department. The purport of the amendment is to provide for the operation and maintenance of the dam and power-house, as well as the locks, by the War Department.

It is the view of this Department that the Bonneville structures, being primarily for navigation, should remain under the jurisdiction of the War Department. The power generated at the dam would be turned over to the Columbia River administrator at a switchboard in or near the power-house for distribution. The amended legislation would avoid any duplication of responsibility and effort and vest the responsibility for the structures in a single agency of the Federal Government. It would not affect any of the remaining provisions in the bill.

The proposed amendments have been discussed with and approved by the President. I know that they will receive your careful consideration.

Very truly yours,

E. M. MARKHAM,
Major General, Chief of Engineers.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 4, 1937.

Hon. JOSEPH J. MANSFIELD, M. C.,
Chairman, Committee on Rivers and Harbors,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: In accordance with our telephone conversation this afternoon, I am enclosing herewith the amendments as suggested by Maj. Gen. E. M. Markham, Chief of United States Army Engineers. I am also handing you the letter of transmittal from General Markham.

With cordial regards, I am,

Sincerely yours,

MARTIN F. SMITH.

RELIEF TO WATER USERS ON RECLAMATION PROJECTS

Mr. O'CONNOR of New York. Mr. Speaker, I call up House Resolution 305.

The Clerk read as follows:

House Resolution 305

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 413, an act to create a commission and to extend further relief to water users on United States reclamation projects and on Indian irrigation projects. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Irrigation and Reclamation, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. O'CONNOR of New York. Mr. Speaker, I yield 30 minutes to the gentleman from Massachusetts [Mr. MARTIN].

Mr. Speaker, this is a rule for the consideration of a bill the title of which discloses its purpose: To create a commission to study what relief is needed by water users on irrigation and reclamation projects. The members of the committee will explain the bill in detail.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, for a number of years the House has been troubled by annual demands for moratoria on reclamation charges. Unquestionably, some have had payments deferred who could easily pay the Government charge. This year there has been some advance, at least, over what was proposed in other years.

The suggestion has been made that the problem be thrashed out by a commission which will be authorized to grant leniency where needed. The Senate bill provides the moratorium would not extend beyond 50 percent. The House, I repeat, would determine by commission who will have their payments deferred. The commission might give 100 percent moratorium to some and none to others. Which is in the best interest of the Treasury I am not in a position to determine. Either plan, however, is some progress.

What I seriously object to is the establishment of a commission of three in order to determine the leniency. It strikes me in the Bureau of Reclamation there must be three men qualified to deal with this problem, qualified to say which reclamation project is able to pay this year and which is in distress. It is not a very difficult matter to determine as the data are easily available. It ought not to cost the Government $50,000, as provided in the bill, or even $30,000, which I understand the committee is willing to accept. The proposal creates another commission which is absolutely unnecessary, because, after all, this commission would be named by the Secretary of the Interior, Mr. Ickes, and it will not act different from the recommendation of those who supervise the reclamation work. It is simply throwing away $50,000 in salaries which might better be devoted for the relief of some deserving project.

I shall not oppose the rule, because I believe some legislation is necessary, but I think that we ought to consider it carefully, and I do not think we should create another commission. We are piling up too many new commissions with vast armies of employees.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Massachusetts reserves the balance of his time.

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, this is a bill to continue the policy of moratoria upon payments by those who live on reclamation projects, but it is a bad bill. It provides a way of determining the amount of the moratorium and the places where the moratorium shall take effect, but instead of providing a commission that might be impartial, that might have an opportunity to pass on the question fairly, that might be expected to treat the Government of the United States fairly, it sets up as qualification for membership on the commission that only those who are occupants of and farmers in these reclamation districts are eligible to be appointed on this commission. That makes a packed jury.

Mr. ROBINSON of Utah. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. ROBINSON of Utah. I think the gentleman is in error when he states that the members of this commission can only be occupants of the reclamation district.

Mr. TABER. I said that the qualification set up was such that they must be.

Mr. ROBINSON of Utah. No.

Mr. TABER. In line 7 of page 4 this language appears:

All of whom shall have an intimate knowledge of irrigation farming.

Mr. ROBINSON of Utah. Yes.

Mr. TABER. No one has that knowledge save those who are actually on the job in these irrigation districts.

Mr. ROBINSON of Utah. If the gentleman will yield further, the idea is to appoint men who are not in the reclamation district but men familiar with conditions and who have some intimate knowledge of farming.

Mr. TABER. Are there any people who have an intimate knowledge of farming on reclamation districts except those who are actually financially interested in it?

Mr. ROBINSON of Utah. Oh, yes, hundreds; as a matter of fact, thousands.

Mr. TABER. The gentleman means those who have retired?

Mr. ROBINSON of Utah. No; men who are not living in reclamation districts but who have an intimate knowledge of farming and irrigation districts.

Mr. TABER. How would they get their knowledge?

Mr. ROBINSON of Utah. There are hundreds of men who live on privately irrigated land possibly adjoining reclamation projects or near reclamation districts.

Mr. TABER. They would be prejudiced jurors just the same as the other group.

Mr. ROBINSON of Utah. No. They may be prejudiced, it is true, but they would be prejudiced against the reclamation project itself. They are not interested in the reclamation project. They would be farmers who are interested in irrigation but are not interested in reclamation projects.

Mr. JENKINS of Ohio. Would the gentleman be willing to accept an amendment to this effect? The gentleman has stated his object is to get men who know irrigation farming but who are not interested in the project. Would he object to an amendment in line 10 to this effect: After saying who shall be appointed and so on, providing that they shall not have any financial interest in the matter referred to.

Mr. ROBINSON of Utah. I may say that very matter was considered in the committee and was proposed. The Direc-

tor of the Bureau of Reclamation said that he considered that would be unnecessary, because they would see to it that the people who were appointed had no financial interest at all in the reclamation project.

Mr. TABER. Would it not be a good idea for the Congress to set up requirements that would protect the Government under such circumstances?

Mr. ROBINSON of Utah. As far as I am concerned, I have no objection, unless some of the other Members of the committee have.

Mr. JENKINS of Ohio. Suppose, then, in line 10, after the word "Interior", we strike out the period, insert a comma and provide "and shall have no financial interest in the matters referred to it."

Mr. ROBINSON of Utah. That is satisfactory as far as the committee is concerned.

Mr. FERGUSON. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Oklahoma.

Mr. FERGUSON. That subject was discussed in committee. Where those men are available, it would be all right; but this bill does not propose to reduce the capital obligation. The financial interest of the Government cannot be decreased. It is only the amount of annual payment that may be regulated by this Commission.

Mr. TABER. That does not necessarily follow, because if a lienor postpones the payment of the claim, oftentimes the continued accrual and the failure to collect results in a failure ultimately to collect it.

[Here the gavel fell.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. TABER. Mr. Speaker, I want to call attention to a fact which appears on page 3 of the report in the letter from the Assistant Secretary of the Interior, at the bottom of the page:

> At the end of the fiscal year 1936 there had been expended approximately $245,000,000 upon reclamation projects in which $45,400,000 had been repaid by water users. The revolving feature of the fund has been seriously retarded, and there are projects where water has been available for 29 years and only six annual installments have been paid.

I call attention to the fact that the failure of these water users to meet their payments has become a source of embarrassment to the Government. If we are going to continue with this policy of irrigation, we should at least continue it in a way that the installments required to be paid shall be met. Moratoriums along the lines granted heretofore have not been satisfactory.

I hope when the House comes to consider this bill in Committee of the Whole the bill will be amended so that we will have an end to a great many of these delays in making payment, and that wherever there is ability on the part of these people to pay, and wherever their rights are worth in the market what they owe, payments will be required and the situation described by the Assistant Secretary of the Interior will cease.

[Here the gavel fell.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 10 minutes to the gentleman from Kansas [Mr. LAMBERTSON].

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to proceed out of order.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, I intended on Tuesday to talk for 5 minutes about the Interior appropriation bill and the fact that the President had signed it reluctantly. I also desired to call attention to some things in it of great importance that he did not touch on in his statement to the press. Some other things have come about in the last few days that make it necessary that I say a little concerning other things.

I failed yesterday in an effort to be funny. I had the delusion for a minute that possibly I could be, but I failed miserably.

Mr. Speaker, I am a little chagrined at my good friend from Chicago, the senior Member of this House, because of the fact that when he had the chance last night to correct his own wrong words that he put in my mouth he did not do it. I did not say the things he said I stated, and he did not correct them when his attention was called to the matter last night. The RECORD shows exactly what I said. They objected to it being changed. I could not delete it even on my own request. The RECORD shows that I challenged JOHN O'CONNOR's courage being equal to HATTON SUMNERS'. Then I said to HATTON SUMNERS, "You are just an American, but JOHN O'CONNOR is an Irishman." I did not say he was only an Irishman. I did not say he was just an Irishman. I said he was an Irishman, for he symbolized courage. He was more than just an American.

Mr. SABATH did not take that out of his statement when he had a chance to correct it last night. The United Press and other newspapers have not corrected it, either. They have it the same way. I am not apologizing for what I said. Of course, I would not have said it if I thought it would have offended anybody, but it is not enough to offend anybody and it is not deserving of an apology.

Mr. MILLS. Will the gentleman yield?

Mr. LAMBERTSON. I cannot yield now. I will not yield in this speech.

Mr. MILLS. I want to ask the gentleman a question.

Mr. LAMBERTSON. On other days I shall be glad to yield, but not today.

I am serving my fifth term and am a member of the Appropriations Committee and the Labor Committee. I spend 15 hours a day in my office on the Hill. I work 100 hours a week up here. I think I am entitled to a little time. At the close of business, Tuesday, the majority leader denied me 5 minutes and promised me that perhaps I would be able to get time tomorrow. But tomorrow came and I did not get it. I apologize for the procedure I have followed today. So much for that.

When the President reluctantly signed the Interior Department appropriation bill Monday night, the tenth day, he picked out for comment just one item—vocational education. My background, I may state, is that in the subcommittee considering the Interior Department appropriation bill I moved to make the amount $10,000,000, telling the members we could save $4,000,000 and that we could hold the amount to $10,000,000. However, they did not believe me. I have no influence on the floor or in the committee, I guess. Then in the whole committee I made the motion again, and told the members of the committee we could save $4,000,000 if we would make the amount $10,000,000, and that we could hold it to $10,000,000 on the floor. However, they would not believe me. They brought the bill on the floor and got whipped, the proposal got whipped on the floor in the Senate, and the amount was made $14,000,000. Ten million dollars would have done the job, but they would not listen to me. This is my background.

The difference between what would have been appropriated normally and what was finally appropriated involves not more than from $6,000,000 to $8,000,000. However, there are tremendous sums appropriated in this Interior Department appropriation bill which the President did not mention. I have a strong hunch that the Budget asked the President to veto the bill. Mr. McIntyre would not tell me so. I tried to get him to tell me that yesterday, but he would not do it. I think the Budget wanted the President to veto the bill. I wish the President had vetoed the bill in the interest of economy on account of the things which were put over on us in the Interior bill on the floor of the House. This $7,000,000 or $8,000,000 out of the large amount involved in the bill is all that disturbed the President and made him reluctant to sign the Interior Department appropriation bill.

I want to refer to seven things in this bill. First, the Natchez Trace, which was born as an illegitimate child out of emergency funds, and then authorized a year after it was born. This will cost us $23,000,000.

The Skyline Drive, which will cost $34,000,000 when it is completed, got its first real money last year. The Natchez Trace got its first real money this year.

The Big Thompson, which is going to cost us $43,000,000, was given an appropriation of $900,000, but it has not yet even been authorized by the Congress.

Mr. CUMMINGS. Mr. Speaker, will the gentleman yield?

Mr. LAMBERTSON. No; I cannot yield. The bill is pending, and the gentleman knows it. The project has not yet been authorized by Congress. We appropriated $900,000 for the Big Thompson, but the President does not even mention it as one of the things which made him reluctant to sign the bill. I would mention this item if I were reluctant about signing the Interior Department appropriation bill. The Big Thompson project got the votes of the Members seeking appropriations for the Natchez Trace, the Skyline Drive, the Grand Coulee, the Central Valley project, the Gila project, and the Casper-Alcova project. These boys had one grand "pork barrel". These appropriations went through the House in the Interior Department appropriation bill and the Government was pledged to spend ultimately $23,000,000, $34,000,000, $43,000,000, $186,000,000, $80,000,000, $20,000,000, and $170,000,000. These seven things, besides a number of other matters in the Interior bill, did not attract the attention of the President at all. The President concentrated all of his reluctance on the little item of vocational education, whose benefits extend into the rural districts. In my district, which is rural, we have 36 schools which have vocational education. Nine schools were ready to receive it, just like the others, and they should have it just as well as the others. This item the President objected to had been authorized, the entire $14,000,000, but he complained about the appropriation for it. The Big Thompson, which is going to cost us $43,000,000 at least, has not yet been authorized, but the President did not say a word about it. It is the inconsistency of the thing I want to mention.

I may say to the gentleman from Illinois [Mr. O'BRIEN], or anybody else, that you cannot hurt me by keeping me off the floor. I am not a wet nurse to any baby project before Congress. I have no projects I must look after. Thank God, I am a free moral agent here. I am here to try to help save money, and I am going to stick with the President of the United States and help him when he is consistent and wants to do that. However, he has been terribly inconsistent on this Interior Department appropriation bill, for one. I am just pointing these things out to you.

Here are the seven big propositions:

Casper-Alcova got $7,000,000 from the President to start it, $5,000,000 more from Emergency Relief, and in 1937 for the first time it got $1,000,000 from the reclamation fund, plus $650,000 for 1938. These figures are from the Committee on Appropriations.

Mr. GREEVER. Mr. Speaker, will the gentleman yield for a correction?

Mr. LAMBERTSON. I cannot yield.

Mr. GREEVER. The gentleman has made a mistake.

Mr. LAMBERTSON. I got these figures from the Committee on Appropriations.

Mr. GREEVER. Then the gentleman got them wrong.

Mr. LAMBERTSON. If I am wrong then they are wrong. These are the exact figures from the committee.

The emergency fund started the Gila project with $1,800,000. This project received from the reclamation fund last year, $1,250,000; and this year, $700,000. The findings of feasibility have been made which authorize the continuation of the construction of this project with appropriations from the reclamation fund.

The Grand Coulee Dam had a kind of a subrosa authorization in the River and Harbor Act, but it got its birth through $15,000,000 given to it from emergency funds by the President of the United States. This is the way it was born. Later, $19,800,000 was allotted from emergency relief.

The economic survey of $250,000 last year, $20,750,000 for 1937 and $13,000,000 from the reclamation-fund appropriation for 1938.

The Central Valley of California, from emergency relief, $4,500,000 to start it; and in 1937, $6,900,000 from general fund; and in 1938, this year, from same source, $12,500,000, not specifically authorized by Congress, but eligible for appropriations as work in progress.

[Here the gavel fell.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield the gentleman from Kansas 5 additional minutes.

Mr. LAMBERTSON. The Big Thompson is a brand new proposition that never would have been passed in this House except for the "pork barrel" vote of the Natchez Trace and the Skyline Drive and the Grand Coulee and the Gila and the Central Valley. It would never have got to first base, and it is not authoized yet. It was the grandest "pork barrel" we ever had put over in this House.

Mr. CUMMINGS rose.

Mr. LAMBERTSON. I cannot yield.

Mr. CUMMINGS. The gentleman looked squarely at me.

Mr. LAMBERTSON. I cannot yield.

The Big Thompson got $150,000 from Public Works for survey, and then in the 1938 bill we give it $900,000 from the Reclamation Act, and it is a brand new proposition that is not yet authorized.

This is the way we do business in this Government.

Then the Natchez Trace was allotted from emergency funds $1,475,185, and this year we gave it its first appropriation of $1,500,000, and it was authorized after it was born.

The Blue Ridge Parkway or the Skyline Drive was allocated from emergency funds $6,818,400, and this year we gave it an appropiration of $4,500,000, the first appropriation that it has had, and starting the innovation of building 100-percent highways out of Federal funds. It was started without any authorization, from emergency funds.

These seven items I have picked out of the appropriation bill as matters that did not attract the President's attention at all, but he was responsible for all these allotments, and then he picked out the little, lowly, humble country schoolboy who is going to be benefited by the addition of $7,000,000 or $8,000,000 to the appropriation for vocational education, and that represents all of his reluctance regarding the Interior appropriation bill.

I might talk about our St. Louis proposition, and I am almost persuaded to do so because the gentleman [Mr. COCHRAN] interrupted a little while ago and said that I asked frequently for a minute to address the House and then somebody furnished me a lot of dope about the matter. I never had the matter brought to my attention until this winter, when it came before our subcommittee on the Interior Department bill. Here we have a matter that he fostered, that he was a wet nurse to, creating a commission and promising on the 8th of June, 1935, twelve times that we would never have to spend a dollar for it, and yet we are obligated for $22,000,000 for sure, with the President giving them six and two-thirds millions; and we have strong evidence that in order to meet their 1-to-4 agreement between the mayor of St. Louis and the President of the United States, they, St. Louis, stole a bond election. We have strong intimation that they stole the bond election and we cannot get them to open their ballot boxes to prove or disprove it. It would then fall of its own weight. What stirred me up was that the President should feel reluctant about signing the Interior bill and yet he let hundreds of millions of dollars go by and hopped on to the little item of vocational education for seven or eight million dollars and that was all the reluctance he felt about this big bill. I want to be consistent. I want to go along with him if he is for economy. It is not the kind of economy I am advocating which comes from the big taxpayers or from any other sources. I think it is about time, when we are spending more every day than we are receiving, that the leaders of our strong committees over here should take a different course with respect to "pork barrels" and nursing these various propositions. They are in positions of leadership, but they are handicapped, and I say that JOHN COCHRAN has hurt himself 50 percent in bringing about any reorganization for

economy when he has fostered this St. Louis proposition which has no appeal to anybody because nobody ever defends it. Have you heard anybody defend it on this floor?

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. LAMBERTSON. No; I cannot yield. The St. Louis Jefferson Memorial will be here next year for its first direct appropriation.

I have made nine different speeches on the proposition, full of facts, but nobody answers me, and I am going to promise you that until this matter is investigated, as long as I stay here, there is going to be a speech about it in the RECORD every week. [Applause.]

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Mr. Speaker, I yield to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, made earlier in the day.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'CONNOR of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma [Mr. FERGUSON].

Mr. FERGUSON. Mr. Speaker, I am inclined to agree with the gentleman from Kansas [Mr. LAMBERTSON] about the devious methods of authorizing irrigation projects. They certainly should come out of a committee, but I certainly heartily disagree with him that because they were not authorized in a proper manner they had no beneficial usage. Certainly irrigation or reclamation of western lands is the salvation of agriculture in this country. As a member of this committee from a State which has no irrigation projects I say to the House that the fact that the Department of the Interior is making an effort here to collect from those districts that can pay certainly is a step in the right direction, and those States that lie in the Great Plains certainly should be interested in the repayment by those projects that can pay. For years the Bureau of Reclamation has refused to recognize any irrigation or reclamation projects in a country that gets over 5 or 6 inches of rain.

When Oklahoma, Texas, Kansas, Nebraska, or the Dakotas have asked for irrigation projects, they have been told that they are in a country that gets 20 inches of rain, and that therefore the Bureau cannot consider those reclamation projects. The series of droughts in the Great Plains country extending from Texas to Canada has certainly demonstrated the fact that the whole economy of agriculture and the whole economy of livestock raising can only continue and can only be profitable by recognition of the fact that we must have supplemental feed supplies, and the only way that we can get them is by irrigation projects. I hope this House will consider this bill a step in cleaning up the irrigation department, in making those projects pay that can pay and granting those extensions when they are fair, and I hope that the Bureau of Reclamation that sponsors this bill and this House of Representatives will recognize the fact that irrigation and supplemental feed for livestock is a solution for our economy in that great territory that extends from Texas to Canada, where our grasses have been depleted and where the drought has killed out the very thing that made it possible for us to live. Until those grasses are brought back—and attempts are being made by the Government to study that problem of regrassing—the future of the Great Plains depends on reclamation projects authorized by the Congress and a more understanding treatment of our problems by the Bureau of Reclamation.

Mr. O'CONNOR of New York. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

LEAVE TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that on Monday next, after the disposition of business on the Speaker's table, and the business of the day, I may have the privilege of addressing the House for 30 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. ENGEL. Mr. Speaker, I ask unanimous consent that after the disposition of business on the Speaker's table and the legislative program today I be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. HOPE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHORT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a radio address that I broadcast yesterday afternoon.

The SPEAKER. Is there objection?

There was no objection.

Mr. BATES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and to include therein a tribute to my predecessor, Mr. A. Piatt Andrew.

The SPEAKER. Is there objection?

There was no objection.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

RELIEF OF WATER USERS ON RECLAMATION AND IRRIGATION PROJECTS

Mr. HILL of Washington. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 413) to create a commission and extend further relief to water users on United States reclamation projects and on Indian reclamation projects.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 413, with Mr. COSTELLO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

There was no objection.

Mr. HILL of Washington. Mr. Chairman, I yield 5 minutes to the gentleman from Utah [Mr. ROBINSON].

Mr. ROBINSON of Utah. Mr. Chairman, I shall not take up very much time. This is a very short bill, and has but one purpose, and in my opinion it is a very decided step in the right direction. For 5 years Congress has passed each year a moratorium bill relieving the payments of the settlers on reclamation projects that have been established. The result has been that all who had payments to make, or nearly all who had payments to make, deferred those payments. The purpose of these bills was not, of course, to deprive the United States Government of the ultimate payment of this money, but just to continue it for another year. This bill does away with that idea entirely, which I think is a very fine step in the right direction. The bill has been reported out unanimously, practically, from the Senate, and I think unanimously from the Committee on Irrigation and Reclamation of the House.

I might say this was done after very serious consideration and after quite extended hearings, because a great many of the people from the Western States who have reclamation projects in their districts felt they were entitled to the same moratorium this year that they have had each year for the past 5 years. On the other hand, the Department of the Interior, especially Mr. Page, as Director of the Bureau of Reclamation, felt it was wrong to continue this principle. In order to work out that problem it was decided to have a commission of three members appointed. These men

would be experienced farmers, practical farmers, if possible, who would go onto the projects, if necessary, and take testimony, study the condition as it existed in the field, and then report back to the Congress their findings and recommendations as to which projects, if any, should be granted the privilege of deferring their payments, and how much should be deferred, and whether or not there should be any deferring of payments at all. In order to accomplish this, the committee and Mr. Page felt at the time it would cost approximately $50,000. However, in talking to him recently he has thought that by using certain help which they already have in the Bureau, without additional expense, this work can be done for $30,000, so that the committee will offer an amendment to the bill providing that the figures "$50,000" be stricken out and the figures "$30,000" inserted. So that this bill simply provides a commission of three persons be appointed by the Secretary of the Interior, who shall go on to these various projects where they are requested, where they have refused to make payments or cannot make payments, study the conditions and make findings and report back to the Congress, and the Congress then shall determine whether or not they shall be granted a moratorium.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. JENKINS of Ohio. When the gentleman said he was going to offer an amendment to reduce this from $50,000 to $30,000 I want to say he is establishing a profound precedent. We have not heard anything like that for several years. I am very glad to hear it.

Mr. ROBINSON of Utah. I think that is the only statement I care to make, Mr. Chairman. If there are any questions which any of the Members decire to ask, I shall try to answer them.

Mr. O'CONNOR of Montana. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. O'CONNOR of Montana. Under the provisions of the bill a man with actual experience as an irrigator or a farmer is qualified to serve as one of these commissioners?

Mr. ROBINSON of Utah. That is correct.

Mr. ROMJUE. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. ROMJUE. What has been the policy with the Department relative to cases of this kind heretofore, where they get in arrears in their payments?

Mr. ROBINSON of Utah. The Department has not any discretion in the matter except to collect the money. Congress, however, has relieved the settlers from the payment of that money for the past 5 years.

Mr. ROMJUE. How often has that been done? Annually?

Mr. ROBINSON of Utah. Annually for 5 years.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. LEAVY. During the last 5 years there have been moratoria and no forced collections for either construction or maintenance costs on irrigation projects.

Mr. ROBINSON of Utah. That is correct.

Mr. LEAVY. And the fact is that current charges that are due are paid up 98 percent in construction and better than 99 percent in maintenance. Is that not the fact?

Mr. ROBINSON of Utah. I think those figures are correct, as I understand it.

Mr. LEAVY. So that reclamation and irrigation, as far as repayment goes, will show a finer bookkeeping account than most any governmental undertaking?

Mr. ROBINSON of Utah. That is correct.

Mr. COFFEE of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. COFFEE of Nebraska. Will this commission also be authorized to investigate the advisability of relieving certain districts of certain classifications of land, the poorer classes of land, and make it possible to relieve the districts of those classifications, and put them into a nonpaying class? Will they devote some attention to the advisability of legislation along that line?

Mr. ROBINSON of Utah. They will make findings on that proposition and then report their findings back to the Congress, and Congress can act on that question.

Mr. HOPE. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. HOPE. With reference to the statement made by the gentleman from Washington to the effect that all current charges now due on reclamation projects are paid up to approximately 98 percent, that means, I understand, that they are paid up to within 5 years.

Mr. ROBINSON of Utah. That is correct; they are not due when Congress remits them, according to my understanding.

Mr. HOPE. These charges are 5 years behind at the present time. Is not that correct?

Mr. ROBINSON of Utah. That is my understanding.

[Here the gavel fell.]

Mr. GEARHART. Mr. Chairman, I yield 10 minutes to the gentleman from South Dakota [Mr. CASE].

THIS IS A CONSTRUCTIVE PROPOSAL

Mr. CASE of South Dakota. Mr. Chairman, I think that the gentleman from Utah has well outlined the purposes of this legislation. As he says, it comes before the House with the unanimous support of the Committee on Irrigation and Reclamation. I was pleased also to have the gentleman from Ohio point out that in the proposed committee amendment that will be offered to reduce the appropriation from $50,000 to $30,000 that the committee is proposing a constructive type of legislation.

This bill has been referred to sometimes as a moratorium bill. That is, I think, a carry-over from the practice of the past few years. As a matter of fact, it represents a departure from the moratorium principle to the principles of normal financing.

It is a constructive bill, because it says, in effect, that we are getting back to normal and instead of granting a blanket moratorium that irrigation districts shall be studied and collections resumed where the occupants are in position to pay; or if their situation is such that some consideration should be given, then we should proceed upon that basis.

Mr. HOPE. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. HOPE. Under the present law is there any method by which the water user can pay more than the current annual charge? What I have in mind is whether there is a provision whereby in good years he can pay in advance and thus protect himself against default in future bad years.

Mr. CASE of South Dakota. I think that depends upon the contract of a particular district.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. PIERCE. That is possible. They never avail themselves of it, however; they buy cars instead; but they can do it now, as I understand.

Mr. HOPE. Does not the gentleman think that would be a very fine thing for them to do?

Mr. PIERCE. Yes; but they do not.

Mr. HOPE. But it is in the law now?

Mr. PIERCE. Yes.

Mr. CASE of South Dakota. Some projects have deposited money with the Bureau to make the payment for this year; others have the money in their treasury. And some others do not have the ability to pay and will need consideration. The difference between our amendment and the Senate bill is that the Senate bill grants a 50-percent moratorium to all concerned, whereas the House proposal will grant extensions only to those who need them.

Mr. ROMJUE. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. ROMJUE. Does the gentleman anticipate that this legislation is one step in a move to create a sentiment to cancel some of these obligations?

Mr. CASE of South Dakota. I may say to the gentleman from Missouri that I am hardly in position to know what the conditions are in all the different districts. This is not a cancelation bill. This bill is different from some relief legislation already passed in this and other sessions. For instance, we reduced the interest rate on farm mortgages from the Federal land bank to 3½ percent. As the gentleman knows, we make an appropriation to the Federal land bank to make up the difference between the 3½ percent and the contract rate. This bill does not call for anything of that sort.

Mr. ROMJUE. I know, but I am just wondering whether in the end Congress will not be beseeched by some of these persons asking that these debts be canceled in the whole or in part.

Mr. CASE of South Dakota. Personally, I hope not, but certainly it will be a good thing to determine a proper repayment schedule for each district. I might point out that the Department particularly asks for this type of legislation as a collection measure. The Secretary points out in his report that several of the projects now have sufficient money on deposit to pay the construction installments now due; and it is for the purpose of protecting the reclamation fund that the committee is sponsoring this amendment to the Senate bill.

Mr. HOPE. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. HOPE. As I understand, under the present law these projects all call for payments spread over a period of 40 years.

Mr. CASE of South Dakota. It varies; some have 40, some 20 years.

Mr. HOPE. That was one thing about which I wanted to inquire. What has been the reason for making some of them 20 and some 40? Has consideration been given to the ability of the project to pay out over a certain length of time, or has it been more or less an arbitrary arrangement?

Mr. CASE of South Dakota. You might say it has been arbitrary, because reclamation projects were set up on a given-year basis. The reason for the difference is that some were relatively high-cost projects and some developed difficulties. The time has varied to meet the supposed or demonstrated possibilities of projects, but whatever it has been the term of years has been fixed by law or by the terms of the contract with the district.

Mr. HOPE. Is it the purpose of this bill to bring about a possible readjustment of all these contracts, based upon the ability of the project to make payments on either a shorter or longer time basis than the present contracts call for?

Mr. CASE of South Dakota. The language of the bill indicates that.

Mr. HOPE. The gentleman understands that is one of the purposes of the bill?

Mr. CASE of South Dakota. Yes. The aim is to get on a sound financing basis. If the gentleman himself were lending money and giving a money service, he would probably adjust collections to conditions and would require payment according to the income of the person. If it were simply a money service, that would be his method.

In irrigation and reclamation we have something more than that. These people in the various irrigation districts have not merely borrowed so much money. They have contracted for a certain water service. They have purchased a certain amount of water. I may illustrate by saying on one project I know of the contract calls for an 18- to 24-inch duty of water in a year. Under drought conditions this particular project got only 6 inches of water last year. Obviously their crops failed and their ability to pay was destroyed through no fault of their own. If the gentleman were simply lending money to them and their ability was so impaired, he would adjust the collections somewhat according to their ability. In this instance they are not getting what they are paying for. That particular project will call for some consideration. On the other hand, those who get the full water duty and receive the proper income will be expected to pay accordingly.

Mr. HOPE. Under the present law, however, those facts cannot be taken into consideration?

Mr. CASE of South Dakota. That is right. It is an inflexible situation.

Mr. MURDOCK of Arizona. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. I was impressed with the gentleman's statement that this bill is a move on the part of reclamation to put all projects on a better financial basis. The gentleman made it clear, did he not, that in granting a moratorium it is not a cancelation, but merely a deferring of payment? The projects are to pay later?

Mr. CASE of South Dakota. It is not a cancelation.

Mr. MURDOCK of Arizona. This particular move is a turning away from the blanket moratorium to a more businesslike arrangement?

Mr. CASE of South Dakota. I think so.

Mr. MURDOCK of Arizona. Is it not to the interest of irrigation generally, since many of the projects are now able to make their payments, to see that those payments are made? Does that not safeguard the Government and the reclamation fund?

Mr. CASE of South Dakota. So the House committee felt in recommending this bill instead of the Senate bill. The Senate bill would have granted an automatic moratorium whether they were able to pay or not. It would have given them a 50-percent moratorium. The House committee felt that was not proper legislation at this time.

Mr. MURDOCK of Arizona. That would be poor business, in my judgment, for the reclamation cause and a poor policy for the country. I favor showing proper but not unnecessary leniency to this great branch of American industry. I have great faith in the solvency and worth of reclamation throughout this country.

Mr. CASE of South Dakota. Yes; I think the gentleman is right.

Mr. GEARHART. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from California.

Mr. GEARHART. The suggestion was offered a moment ago that the passage of this legislation might have the effect of inducing other persons who are obligated to the Government to ask for favors to which they were not entitled. As a matter of fact, before any favors or extensions or deferments of payment are given under the terms of this bill, the district affected will have to show it is entitled to the consideration and show it is unable to pay as provided by its contract?

Mr. CASE of South Dakota. Yes.

Mr. GEARHART. It would have the opposite effect to the encouragement of requests for similar legislation or similar relief from other directions?

Mr. CASE of South Dakota. The gentleman is right. In the debate on the rule I noticed somebody raised the question about the creation of a commission. They felt this might be handled by the Department. Personally, I think probably the Department could make pretty good recommendations; but the Bureau of Reclamation was hesitant about becoming autocratic in this matter, and for this reason suggested the commission idea rather than have the people concerned say that this is all being settled in Washington without a hearing. The bill provides that the commission—

> Shall proceed to the project and hold hearings, the proceedings of which shall be reduced to writing and filed with its report.

It seems to me that would carry out what the gentleman from California has in mind.

May I say, in conclusion, I think this is really constructive legislation. I hope the Committee of the Whole will recommend it to the House. It will be a step forward in putting reclamation on a better financial basis. [Applause.]

Mr. GEARHART. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. DITTER].

Mr. DITTER. Mr. Chairman, this legislation has to do with a very commendable activity on the part of the Federal Government. It is a reclamation bill by which those areas that in times past were not productive could be brought into a state of productivity. I think those who sponsor the bill have a right to be proud of their reclamation projects.

It seems to me, however, that it is significant that this reclamation bill should follow immediately another measure that we considered earlier today. That, too, might well have been classed as a reclamation project. I have in mind the conference report in which provision was made for a channel project to Jefferson Island. That is a reclamation project, too. It is a reclamation project with which I am very, very much in sympathy. Ordinarily I would have opposed the conference report because of the channel project to Jefferson Island, but prompted by a sense of brotherliness and because of my sympathy for the feelings of my brethren on the other side of the aisle, I refrained from doing so. My heart goes out to the distress and present discomfiture of my Democratic brethren.

The present administration has been noteworthy for many things. However, I believe that in history it will be recorded that this administration was primarily materially minded. Things of the spirit have had little consideration at the hands of this administration. While you have been accustomed to hear the words "more abundant life" and other phrases that might have spiritual significance, most people have come to look upon them merely as catch phrases, as the material mindedness of the administration is increasingly evident. Little if any time has been given to spiritual things.

Mr. MURDOCK of Utah. Will the gentleman yield?

Mr. DITTER. In just a moment.

Mr. MURDOCK of Utah. I would like to ask the gentleman a question right there because I think it is pertinent.

Mr. DITTER. I want to be sure that I will not lose my train of thought. I want to keep before you the difference between material and spiritual things.

I yield to the gentleman.

Mr. MURDOCK of Utah. Is it not a fact that nine-tenths of the condemnation that we get from your side of the aisle is by reason of the use of a "brain trust"?

Mr. DITTER. I am trying to pay you a compliment. There is no condemnation intended in this at all. If the gentleman will just bear with me, I think he will find my words are not only commendatory in every way but that I will compliment the party with which the gentleman is identified because of the spiritual conceptions in connection with Jefferson Island. I hope the gentleman will bear with me.

As the material-mindedness of the present administration is impressed upon us, as the complete disregard of spiritual values is so glaringly evident, it is most refreshing and gratifying to note that you have turned at last to Biblical words in the hour of your need as you seek to rechristen your haven at Jefferson Island. The conference report, inspired no doubt by your leaders, calls it "a harbor of refuge."

Jefferson Island has become a national shrine. Jefferson Island is now an institution. Jefferson Island was little known prior to a certain meeting you men had there a short time ago. It was there that the 3-day love feast was held. It was there that refractory Members of this and another body were to be wooed and won.

In view of the importance which Jefferson Island has assumed to all of you, in view of the place of endearment that it has in the hearts of my brethren on the other side of the aisle, in view of its significance in the history of the Democratic Party, it is but natural that you are eager to have the Government provide an easy passage to it. But the beautiful thing is the poetic thought which prompted you to rechristen it as "a harbor of refuge."

I hope no one will charge me with sacrilege when I think of the lines that come to me from the days of my boyhood in Sunday school:

> Other refuge have I none,
> Hangs my helpless soul on Thee.
> Leave, oh, leave me, not alone,
> Still support and comfort me.

That is a beautiful thought. After the effort that was made for the cavorting of some kindred souls at Jefferson Island, and after the large amount of refreshment that was provided, or at least which I understand was provided, in order that kindred souls might warm themselves with other things than atmosphere, it is indeed gratifying to note that your souls were stirred; that impressions of such a deep and lasting character were made as to prompt you to such a beautiful flight of poetic fancy that you want posterity to know what it meant to you by calling it "the harbor of refuge." Truly, one can realize how sorely you need a harbor of refuge for your troubled souls. Souls are being torn by anguish, not only day by day but hour by hour, by the torments with which you are faced, and now you find some place, some spot, where you can pour out your burdened souls and try to find some relief.

I commend you, and my commendation rings with sincerity as I say to you Democrats that I am happy for the spiritual change which has taken place by which they have gone back to the old Sunday-school lines in labeling this place of yours down at Jefferson Island as a harbor of refuge. Note the significance and applicability of those lines, "Leave, oh, leave me not alone." Is there a possible loneliness in your hearts? And yet again those lines, "Still support and comfort me." I am not surprised that you need comfort now and that you are concerned about support. You have certainly had a lot of support in the last few years. I have hopes for the harbor of refuge. I remember the mercy seat, for instance, about which the old evangelists talked. I do hope that to your troubled souls this Jefferson Island will be a mercy seat where you cannot only pour out in contrition the burden that weighs you down, but where, as the result of this unburdening of your souls, there may come to you peace. Oh, how you must crave solace and refuge.

It comes to my mind from the old book that there were cities of refuge in days gone by. The Bible speaks of cities of refuge. Governor PIERCE here, bless his soul, a good Democrat, nods his head in accord with my statement that there were cities of refuge. The cities of refuge were the places to which those who were distressed and persecuted might flee and find relief. Again, bless his soul, the Governor nods approval and adds his word of commendation. I am wondering whether you men want this city of refuge down there for that purpose, whether this city of refuge will be a place where you can get away from persecution, where in your distress you can flee for relief. There your conscience can be put at ease. There those of you who have shown such splendid courage, and God bless you for it, may be safe from this persecution, this recrimination, this reprisal, and from these efforts that have been binding you down, circumscribing not only your ambitions but your very hearts and souls. Surely you men of courage need a harbor of refuge; and I want to help you secure a place of safety.

It is a fine day that dawns today for your party. [Applause.] Your distressed and troubled members are to have a harbor of refuge. A new hope comes to me with respect to the future of your party. Oh, how happy I am to think that you are going to have places of refuge, where those honest souls, those courageous souls, those souls on your side who have a sense of duty, may feel safe from all recrimination and reprisal. God bless Jefferson Island as a harbor of refuge. God bless the man who conceived the idea of "the harbor of refuge." God bless the man in whose heart was the inspiration to provide a channel. Oh, I want to say a word about the channel for a minute.

Mr. PATRICK. Mr. Chairman, will the gentleman yield while I am inspired?

Mr. DITTER. The channel down there should be a safe channel.

Mr. PATRICK. Mr. Chairman, will the gentleman yield while my inspiration continues?

Mr. DITTER. I would like to get away from any of those things which would prevent a safe landing at the harbor of refuge. There should be no shoals there. There should be no rocks there. There should be nothing in that channel which might impede in any way a hasty passage, for, remember, expedition at times might be necessary. Again the lines of an old hymn come to my mind of some poor, struggling seamen seeking a safe harbor, "Let the lower lights be burning." You might want to get to your refuge in a hurry. So let us have the channel broad, let us have it deep, let us have such a channel that there will be no possible chance of anything coming in to interfere with your hasty exit from this grand city of glorious distances to that haven of safety, that harbor of refuge. I think it lacks but one thing. I wish there had been provided in addition to this harbor of refuge a boat on which you might go back and forth. I am on the Committee on Appropriations for the Navy.

Mr. NICHOLS. Mr. Chairman, a parliamentary inquiry.

Mr. DITTER. I may be out of order, I may say to my distinguished friend, the gentleman from Oklahoma. If the gentleman wants me to close, I shall do so with a benediction now.

Mr. NICHOLS. Mr. Chairman, a parliamentary inquiry.

Mr. DITTER. I do not yield for a parliamentary inquiry. If the gentleman wants to ask me a question, he may, but I do not yield for a parliamentary inquiry, Mr. Chairman.

Mr. PATRICK and Mr. ROMJUE rose.

Mr. DITTER. I yield to the gentleman from Alabama.

Mr. PATRICK. If we become worse, or apparently so, or if we are too well organized, there are too many of us, and we are doing too much, and this blessed land is so properly placed, will the gentleman please tell us how we can get the services of Mr. Hamilton so as to properly and quickly disperse us?

Mr. DITTER. May I answer by saying that I know nothing about Mr. Hamilton's part in a harbor of refuge.

Mr. PATRICK. No; I know that.

Mr. DITTER. This has to do with another distinguished name, which I am not going to mention, but it seems to me the inspiration of it came from a source that might have something to do with the mails. [Laughter.] Without mentioning any names, I honor him, and I honor you. There is nothing disparaging in what I say. I stand foursquare by what I said originally—that my words are words of commendation.

I am a member of the Appropriations Committee for the Navy, and I am wondering whether or not I have not a duty put upon me to have the Navy provide the vessel for your passage. It may have to be a submarine because there may have to be stealthy passages made at times in order that expeditious transit might be completed without too much detection. I want that ship well armed, for it might be that at times missiles will be cast at it so that it would have to defend itself and the occupants aboard. So I think a submarine, well armed, would be the best way to assure you the passage. Mark you, the harbor of refuge is your coveted retreat and I want to help you reach it.

Mr. ROMJUE. Mr. Chairman, will the gentleman yield?

Mr. DITTER. I yield to the distinguished gentleman.

Mr. ROMJUE. The gentleman has made a wonderful address, which we have all enjoyed.

Mr. DITTER. I appreciate the compliment. I have been encouraged to do so by the nodding of my distinguished friend, Governor PIERCE.

Mr. ROMJUE. That is the very point to which I was going to allude. The gentleman has misjudged the Governor. The gentleman had him mesmerized and the Governor had gone to sleep. [Laughter.]

Mr. DITTER. I would never charge the Governor with nodding or with talking in his sleep. The Governor is one of the most wide-awake men in the House.

Mr. ROMJUE. He was thinking of the harbor you rode into with Mr. Hoover.

Mr. DITTER. No; he was nodding because of his approval of my interest and concern to help provide for those in whom he is interested a harbor of refuge. [Applause.]

Mr. HILL of Washington. Mr. Chairman, Members on both sides of the aisle have fully exhibited the purposes of the bill and have given full and sufficient reasons for its passage, and I ask that the Clerk may read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That there is hereby created a commission to be composed of three members, all of whom shall be appointed by the Secretary of the Interior, one of whom shall be a landowner and water user under a United States reclamation project. The commission is authorized and directed to investigate the financial and economic condition of the various United States reclamation projects, with particular reference to the ability of each such project to make payments of water-right charges without undue burden on the water users, district, association, or other reclamation organization liable for such charges. Such investigation shall include an examination and consideration of any statement filed with the commission, or the Department of the Interior, by any such district, association, or other reclamation organization, or the water users thereof, and, where requested by any such district, association, or other reclamation organization, said commission shall proceed to such project and hold hearings, the proceedings of which shall be reduced to writing and filed with its report. Said commission, after having made careful investigation and study of the financial and economic condition of the various United States reclamation projects and their probable present and future ability to meet such water-right charges, shall report to the Congress, as soon as practicable, with its recommendations as to the best, most feasible, and practicable comprehensive permanent plan for such water-right payments, with due consideration for the development and carrying on of the reclamation program of the United States, and having particularly in mind the probable ability of such water users, districts, associations, or other reclamation organizations to meet such water-right charges regularly and faithfully from year to year, during periods of prosperity and good prices for agricultural products as well as during periods of decline in agricultural income and unsatisfactory conditions of agriculture.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, which shall be available for expenditure, as the Secretary of the Interior may direct, for expenses and all necessary disbursements, including salaries, in carrying out the provisions of this act. The commission is authorized to appoint and fix the compensation of such employees as may be necessary for carrying out its functions under this act without regard to civil-service laws or the Classification Act of 1923, as amended.

SEC. 3. That all the provisions of the act entitled "An act to further extend relief to water users on the United States reclamation projects and on Indian irrigation projects", approved June 13, 1935, as amended and extended by the provisions of section 3 of the act entitled "An act to create a commission and to extend further relief to water users on United States reclamation projects and on Indian irrigation projects", approved April 14, 1936, are hereby further extended for the period of 1 year, so far as concerns 50 percent of the construction charges, for the calendar year 1937: *Provided, however,* That where the construction charge for the calendar year 1937 is payable in two installments the sum hereby extended shall be the amount due as the first of such installments. If payable in one installment the due date for the 50 percent to be paid shall not be changed.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That there is hereby created a commission to be composed of three members appointed by the Secretary of the Interior, all of whom shall have an intimate knowledge of irrigation farming, but who shall not be employees of the Bureau of Reclamation or the Bureau of Indian Affairs of the Department of the Interior. The commission is authorized and directed to investigate the financial, economic, and other conditions of the various United States and Indian reclamation projects, with particular reference to the ability of each such project to make payments of water-right charges without undue burden on the water users, district, association, or other reclamation organization liable for such charges. Such investigation shall include an examination and consideration of any statement filed with the commission, or the Department of the Interior, by any such district, association, or other reclamation organization, or the water users thereof, and, where deemed advisable by the commission and requested by such district, association, or other reclamation organization, said commission may proceed to such project and hold hearings, the proceedings of which shall be reduced to writing and filed with its report. Said commission, after having made careful investigation and study of the financial, economic, and other conditions of the various United States and Indian reclamation projects and their probable present and future ability to meet such water-right charges, shall report

to the Congress as soon as practicable, with its recommendations as to the best, most feasible, and practicable comprehensive permanent plan for such water-right payments, with due consideration for the development and carrying on of the reclamation program of the United States, and having particularly in mind the probable ability of such water users, districts, associations, or other reclamation organizations to meet such water-right charges regularly and fully from year to year during periods of prosperity and good prices for agricultural products as well as during periods of decline in agricultural income and unsatisfactory conditions of agriculture.

"SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, which shall be available for expenditure, as the Secretary of the Interior may direct, for expenses and all necessary disbursements, including salaries, in carrying out the provisions of this act. The commission is authorized to appoint and fix the compensation of such employees as may be necessary for carrying out its functions under this act without regard to civil-service laws or the Classification Act of 1923, as amended.

"SEC. 3. If upon investigation the commission shall find that a project, because of partial crop failure due to a water shortage or other causes beyond the control of the water users, is unable to make full payment of the construction charges becoming due and payable for the calendar year 1937, without great hardship or undue burden, the commission is hereby authorized to certify that fact to the Secretary, and such certification, if approved by said Secretary, shall operate to grant an extension of time for the payment of such proportion of the construction charges due for the calendar year 1937 as the commission considers just and equitable, the proportion of the charges so extended to be paid at such time as the Secretary may determine.

"SEC. 4. Sections 1 and 2 of the act approved April 14, 1936 (Public, No. 519, 74th Cong.), are hereby repealed."

Mr. ROBINSON of Utah. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. ROBINSON of Utah: On page 5, line 20, strike out "$50,000" and insert "$30,000."

The amendment to the committee amendment was agreed to.

Mr. JENKINS of Ohio. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. JENKINS of Ohio to the committee amendment: On page 4, line 10, strike out the period after the word "Interior" and insert a comma and the following: "and shall have no financial interest in the matters coming under their jurisdiction."

Mr. HILL of Washington. Mr. Chairman, the committee accepts the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. COSTELLO, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (S. 413) to create a commission and to extend further relief to water users on United States reclamation projects and on Indian irrigation projects, pursuant to House Resolution 305, he reported the same back to the House with an amendment agreed to in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. Under previous order of the House heretofore made, the gentleman from Michigan [Mr. ENGEL] is recognized for 30 minutes.

SOCIAL SECURITY

Mr. ENGEL. Mr. Speaker, history will record the social-security law as either the most colossal success or the most colossal failure of the age. President Roosevelt sees in it the outstanding accomplishment of his administration. The opponents of the law see in it nothing but socialism and radicalism, and predict for it dismal failure. The worker sees in it security for himself and his family, and hopes it will banish poverty which he knows will come with old age. Some believe in it blindly and hope for its Utopian success; others, professing friendship, would secretly give it the "kiss of death."

To me it has meant the beginning of a law which, if perfected, will eliminate much poverty and will bring about greater economic and social justice to the worker and his family.

To eliminate the age-old specter of poverty; to make the aged independent through the payment of annuities; to provide wages during periods of unemployment; to provide for death benefits; to care for the blind and helpless; to protect the health of expectant mothers; to help sick, crippled, dependent, and delinquent children; to provide for vocational rehabilitation; to protect the public health—these and many more worth-while objectives will make this act, if successful, the most humanitarian law of the century.

I have supported social-security legislation for years. In 1921, as a member of the Michigan State Senate, I supported bills providing for old-age pensions, mothers' pensions, employees' compensation, and similar laws. It is because I want this law to succeed; it is because there is growing in my mind a haunting fear that it is being mired slowly but surely in a political bog; it is because I can visualize the bitter disappointment in the hearts of millions at its failure who look upon it as "manna from Heaven"; it is because I fear it will prove the most colossal failure when I want to see it the most colossal success of the age, that I am pointing out what I believe to be the fatal defects in its structure, hoping against hope, that those who have the power and who are responsible for its success or failure will join me in eliminating these defects and make it the outstanding humanitarian law of the age.

I shall propose a plan which I believe will take from the shoulders of the worker, taxpayer, and general public, $26,307,520,000 of the $46,641,100,000 reserve fund and $1,119,386,400 of the $3,000,000,000 required annually to pay benefits and pay these sums out of productive enterprise. I further believe my plan will strengthen instead of impair public credit and will bring about recovery in times of depression and help avoid depression in times of prosperity.

In criticizing the act, let us see first what the old-age annuity section of the Social Security Act will cost, and who will pay that cost under the present law. Who will have contributed the reserve fund of $46,641,100,000, and is that reserve fund necessary or is it as has been said, "fantastic and unnecessary and a menace to free institutions"? Can we have social security without a reserve fund? Who will pay the $3,000,000,000 annually that will be required to meet the proposed benefits in 1980 and thereafter? How will it operate in times of prosperity and in times of depression? Will it meet the test and pay benefits when pay rolls and national income are at a minimum as during the past 7 years? How would it have operated had it been passed in 1874 and in full force and effect in 1929 instead of being passed in 1935 and in full force and effect in 1980? These and many other questions should be answered now.

WHO PAYS FOR SOCIAL SECURITY UNDER THE PRESENT ACT?

The Social Security Act provides for a reserve fund by 1980 of $46,641,100,000. This fund will have been paid in as follows:

(a) Interest at 3 percent on Government bonds held by Social Security Board	$32,884,400,000
(b) 3-percent pay-roll taxes paid by employers	6,878,350,000
(c) 3-percent pay-roll taxes paid by employees	6,878,350,000
Total	46,641,100,000

The employer will add his 3-percent pay-roll tax amounting to $6,878,350,000 to the cost of production and pass it on to the consuming public. The public will also pay in taxes and increased costs the $32,848,400,000 interest charges that will have been paid on the Government bonds and which will go to make up the reserve fund. So the public will have paid directly and indirectly a total of $39,762,750,000 of the $46,641,100,000 reserve fund. The remaining $6,878,350,000 will have been paid by employees in pay-roll taxes which cannot be passed on.

The Social Security Board estimates that by 1980 we will have a population of 155,000,000 people and that 34,775,000 employees will be subject to the pay-roll taxes of the present law. There are approximately 2.5 persons for each adult who comes under the law. So approximately 87,000,000 people, or 56 percent of the total population of 1980, can be classified as beneficiaries under the act and 68,000,000 or 44 percent as nonbeneficiaries.

The nonbeneficiary class will have paid into the fund by 1980 44 percent of $6,878,350,000 or $3,026,474,000 in employers' pay-roll taxes passed on to the public, plus 44 percent of the $32,884,400,000 interest on public bonds levied as taxes, direct or indirect, or $14,469,136,000 in interest, making a total of $17,495,610,000.

The 87,000,000 people classed as beneficiaries will have paid into the reserve fund by 1980, $6,878,350,000 in pay-roll taxes which the employee cannot pass on, plus 56 percent of $6,878,350,000 or $3,851,876,000 employers' pay-roll tax which will be passed on, plus 56 percent of $32,884,400,000 interest on bonds in the reserve fund, which interest will amount to $18,415,264,000 and which will be, of course, paid by the consuming public. The beneficiary class will thus pay a total of $29,145,490,000.

First we tax the worker $6,878,350,000 in pay-roll taxes to make up the reserve fund. Then we lend that reserve fund to the Government which spends it and places its bonds into the fund. Then we tax the workers again to the tune of $18,415,264,000 to pay interest on the money that belongs to him, and to cap the climax we make him pay $3,851,876,000 more which his own employer has passed on to him in increased costs.

Forty percent of the goods produced in America are consumed by the farmer, so the farmer will pay 40 percent of the $39,762,750,000 of the public's share of the reserve fund which will have been passed on to him in taxes, direct and indirect, and in increased costs. In other words, he will contribute $15,905,100,000 toward this reserve fund so the worker may have social security for himself and family, while the farmer and his family do not come under this phase of the act and have no social security.

WHO PAYS THE ANNUAL BENEFITS UNDER THE PRESENT ACT?

On and after 1980 the beneficiaries of the Social Security Act will receive $3,000,000,000 annually in benefits. This amount will be paid into the fund as follows:

(a) The public pays through taxation or increased costs 3-percent interest on $46,641,100,000 United States bonds held by the reserve fund, amounting annually to	$1,399,233,000
(b) The public pays each year in increased costs the employers' share of the pay-roll tax amounting to	$800,383,500
The public pays annually a total of	2,199,616,500
(c) The employee pays in pay-roll taxes which he cannot pass on to the public the balance of	800,383,500
Making a total of	3,000,000,000
Or,	
(d) 1. The beneficiary pays $800,383,500 in pay-roll taxes	800,383,500
Plus 56 percent of his share as a consumer of $2,199,616,500 which the public pays, or	1,231,785,240
Beneficiary pays total of	2,032,168,740
2. Nonbeneficiary will pay in increased costs and taxes 44 percent of the public's share of $2,199,616,500, or	967,831,260
Making a total of	3,000,000,000
(e) The farmer as part of public paying 40 percent of increased costs and taxes will pay annually 40 percent of the public share of $2,199,616,500, or $879,846,600 from which he receives no direct benefit.	

THE VANDENBERG PROPOSAL

Among the remedies suggested was one proposed when, on the 29th of January 1937, Hon. ARTHUR H. VANDENBERG, the very able and distinguished Senator from Michigan, introduced a resolution proposing to amend the Social Security Act and place it on a pay-as-you-go basis. On March 17, 1937, Senator VANDENBERG, in discussing the law on the floor of the Senate, said:

> We submit such a reserve is unnecessary in a tax-supported system; that its ultimate accumulation of $47,000,000,000 in reserve is a positive menace to free institutions and to sound financing.

Again he said:

> There is no analogy between the need for private insurance companies for full reserves and the need of the Government system for full reserves. The former are at the mercy of fluctuating revenues. The latter is compulsory and is guaranteed a continuous flow of revenue.

The Senator advocated a repeal of the full-reserve plan and a substitution of a direct pay-as-you-go system with only a small contingent reserve. He does not state the amount of the reserve nor the ratio of the reserve to the total risk carried.

First let me correct the distinguished Senator. The Social Security Board does not propose to carry a full reserve but only a reserve of two-thirds of that which private insurance companies would be required to have were they to carry the same risk. The Vandenberg proposal is not an insurance plan. When you eliminate the reserve fund and pay as you go, it ceases to be insurance. The very word "insurance", especially when applied to life or annuity insurance, presupposes that the insured sets aside in a reserve fund part of his earnings during his younger years when his earning capacity is greatest, which money together with accumulations of interest will give protection and security to himself and his family when he reaches an age when his earning capacity is small or gone or at his death. In the case of the Social Security Act the amount paid in for the benefit of the employee is matched by the employer, and of course doubles the amount that can be paid in annuities. This part of the law is, in my judgment, sound.

Let us see where the Vandenberg plan would leave us, first in times of prosperity and second in times of depression. When the present Social Security plan is in full force and effect in 1980, it will pay annually $3,000,000,000 in benefits to its members. It will derive this amount each year from three sources—$800,383,500 from a 3-percent pay-roll tax from the employees, $800,383,500 from a 3-percent pay-roll tax from the employers, and the remainder of $1,399,233,000 from interest paid on bonds purchased with accumulated moneys in the reserve fund. The last sum would, of course, have to be raised by taxation. Just how would the proponents of the so-called pay-as-you-go plan raise this $3,000,000,000 annually?

It will require a combined 6-percent pay-roll tax to raise $1,600,767,000. The proponents certainly could not cut down the pay-roll tax. If they did, how would they replace the lost revenues? How would they raise the $1,399,233,000 annually that will be paid into the fund through interest on reserves when they have no reserve? If they would raise it by pay-roll taxes, the 6-percent combined pay-roll tax would be increased to 12 percent. If they would raise it by taxation "in a tax-supported system", as the statement seems to imply, then the two plans would be very much the same as far as this part of the fund is concerned. In each case the people would pay $1,399,233,000 additional taxes. Under the Vandenberg plan they would have nothing for their money while under the present plan they would be raising that amount to pay interest on $46,641,100,000 reserve fund, and would have the use of that fund in return for the interest paid. Under the pay-as-you-go plan, there would be, of course, no reserve fund.

The proponents of the pay-as-you-go plan, like the mutual life-insurance companies of old, would pay small pay-roll taxes now, while the majority of the members are young and under compensable age. As the years rolled by and more men were added to the annuity list, the pay-roll taxes would become higher, reaching a maximum in 1980 when the $3,000,000,000 in annual benefits will have to be paid. The pay-roll tax would then be 12 percent instead of 6 percent,

unless a part of the amount necesasry for benefit payments was raised from direct taxation. Let me remind the proponents of the pay-as-you-go policy without adequate reserves, of our experience in the field of mutual fraternal life insurance a few years ago.

These companies were organized on a pay-as-you-go basis without adequate reserves. The death rate was low because only young people, as a rule, joined, hence both the losses and the premiums were low. These companies levied assessments only large enough to meet current losses. Time passed. As members became older the death rate increased, and with it came larger losses and higher premiums. Some States compelled these companies to reorganize and provide for adequate reserves through increased premiums. Other companies saw the handwriting on the wall and voluntarily increased their reserve funds and of course their premiums before it was too late. A few companies went on blindly on a pay-as-you-go basis without adequate reserves. As losses became greater, premiums increased. As premiums increased new policyholders became fewer and old policyholders dropped out until the cost of carrying insurance on a pay-as-you-go basis became prohibitive. Those policyholders who, from an insurance standpoint, were unfortunate enough to live longest found they had paid insurance for those who had passed on, and suddenly learned they were without protection for themselves and their families when the carrying cost became prohibitive. This was an experience in pay-as-you-go insurance without adequate reserves we should not soon forget. The Vandenberg proposal would, I fear, operate in the same way.

Let us consider now what would happen under the pay-as-you-go policy in times of depression. Let us assume that we are in 1980, operating with full benefit payments of $3,000,000,000 annually, and a depression came along.

Let us assume further that as in the recent depression national income and national pay rolls dropped 50 percent. The other 50 percent of the employees who held their jobs and their employers would have to meet the entire $3,000,000,000 in pay-roll taxes, which would require, according to present estimates, a combined pay-roll tax of 24 percent unless supported in part by taxation. In view of the fact that during the past 7 years of depression expenditures of the Government exceeded revenues by $22,247,436,471, it would be hopeless to try to raise $1,399,323,000 annually by taxation. This amount would be required over and above the present pay-roll tax to meet benefits. The result would be that we would, as under the present plan, have to borrow this $1,399,323,000 each year, issuing Government bonds for the same or increase the pay-roll tax to 24 percent. The one definite advantage which the Vandenberg plan would have is that the Government would not be obligated to pay the $46,641,100,000 reserve fund and Government credit would, of course, be stronger.

Again, during the period of depression, the Government expenditures exceeded its revenues by $22,247,436,471, which amount the Government was compelled to borrow. During this same time 342 private life-insurance companies increased their reserves from $9,926,515,486 to $20,404,206,344, their total assets from $11,537,614,609 to $23,216,495,614, and their annual income from $3,017,800,322 to $5,072,095,267. In the face of these facts, who, may I ask, is more "at the mercy of fluctuating revenues", the Government with its "tax-supported system" and "its continuous flow of revenue", or the private insurance companies with their private sources of income? Who has the greater need for a reserve fund? The Government whose expenditures exceeded its income by more than $22,000,000,000, and who was compelled to borrow this amount or these private insurance companies who doubled their income, doubled their assets, and doubled their reserve funds?

IS A $47,000,000,000 RESERVE FUND FANTASTIC?

The Social Security Act provides for the building up of a reserve fund which will reach an estimated maximum amount of $46,641,100,000 in 1980. The able and distinguished Senator from Michigan, in a speech delivered in the Senate on March 17, 1937, said:

> The whole reserve fund ultimately becomes $47,000,000,000—the most fantastic and the most indefensible objective possible.

The Social Security Board, on the other hand, contends that this reserve fund is not fantastic; that the amount is only two-thirds of that required by law of private insurance companies, were they to carry the same risk; and that it is the minimum necessary if we are to have a sound social-security policy to protect the aged of our land. The facts seem to bear them out.

Records of 342 life-insurance companies show that on December 31, 1925, they carried a total insurance of $71,598,749,690 and a total reserve fund of $9,926,515,486. These records further show that on December 31, 1935, these same companies carried a total insurance of $102,730,415,016, an increase of 43.5 percent, and a total reserve fund of $20,404,206,344, an increase of 105.5 percent, during this 10-year period. If they were to maintain this same increase every 10 years, they would have a reserve fund in 1980 of more than $400,000,000,000 and would carry a total insurance of more than $500,000,000,000. This would be not only fantastic but unnecessary in view of the fact that the reserve fund would amount to 80 percent of the total insurance carried. However, let us take more conservative figures and assume that the total insurance and total reserve fund increased 2 percent each year, or 20 percent every 10 years. In 1980 these companies would be carrying $234,324,104,038 insurance and a reserve fund of $46,539,516,516. Since these reserves increased $10,500,000,000 during the 10-year period from December 31, 1925, to December 31, 1935, an increase of less than $27,000,000,000 during the next 45 years could not be considered unreasonable. While the $46,641,100,000 estimated reserve fund to be carried by the Social Security Board in 1980 may sound fantastic to one who has not studied the problem thoroughly, a consideration of the facts forces one to the conclusion that such a reserve fund is not fantastic, nor indefensible, but conservative, practical, and absolutely essential to a sound social-security policy.

HAS SWEDEN ABANDONED HER SOCIAL SECURITY RESERVE FUND IN FAVOR OF A PAY-AS-YOU-GO POLICY?

The statement was made at the hearing before the Senate Committee on Finance on February 26, 1937 (p. 14), that Sweden has abolished the reserve fund of her social-security system in favor of a pay-as-you-go system. The facts do not bear out that statement. In comparing the reserve fund of the Swedish social-security system with that of the United States, one must take into consideration the population of the two countries, the amount of annuities paid per person per month, and the total maximum reserve carried by each fund.

Under the Swedish plan the social-security fund will reach a maximum of 1,000,000,000 kronor by 1952. The normal exchange of the krona is 27 cents. The present rate of exchange is slightly lower. On billion kronor at the normal rate of exchange would be $270,000,000 in American money. While this may seem like a nominal reserve fund, particularly to those who have been in the habit of thinking in terms of billions, when we analyze the facts and take into consideration the difference in the population and the difference in the amount of annuities paid, we are forced to the conclusion that Sweden has not adopted a "pay as you go" basis, but actually has a substantial reserve fund. When we take into consideration the further fact that the Swedish system combines title 1 of our Social Security Act, which we call an old-age assistance plan, and in which no pay-roll taxes are levied, with title 2 or the Federal old-age benefit plan, which does levy a pay-roll tax, then we are forced to the conclusion that their reserve fund is as large or larger than ours.

The present population of Sweden is approximately 6,000,000, and it is estimated that 4,000,000, or approximately 66⅔ percent of the people, benefit under their social-security act. The last published figures issued by the Bureau of the

Census on October 28, 1936, give the estimated population of the United States as 128,429,000 people. It is estimated that 56 percent, or approximately 72,000,000 people, will benefit by the United States Social Security Act. This is 18 times as many beneficiaries as come under the Swedish act. Thus if Sweden were compelled to pay 18 times as many people as they are now paying under their act, they would require a reserve fund of 18,000,000,000 kronor instead of 1,000,000,000 kronor.

Again, the monthly benefits paid under the Swedish act are very small, ranging as low as $1.62 to $3.76 per month per person, if such person has $10.36 or more per month of other income. If such person has no such other monthly income, the pension payable in Sweden ranges from $7.35 to $9.50 per month per person. It has been estimated that Sweden pays on an average of $7.50 per month per person, which, I believe, is a fair estimate. When the Social Security Act is in full force and effect, the United States will pay an average of $45 a month per person, or six times as much as Sweden. If Sweden paid an equal amount, or six times as much per person as she now pays, she would require six times 18,000,000,000 kronor, or a total of 108,000,000,000 kronor, in her reserve fund. Translated into terms of dollars and cents, at the normal rate of exchange, she would require a reserve fund of $29,160,000,000 by 1952, were she to pay as many beneficiaries and as much per month as the United States pays. This is far from a nominal reserve fund.

When you take into consideration the further fact that the Swedish plan covers both what we call title I and title II of our act, it makes our reserve fund of $46,641,100,000 look conservative.

WHAT WOULD HAVE HAPPENED HAD THE SOCIAL SECURITY ACT BEEN IN FULL FORCE AND EFFECT IN 1929?

"The proof of the pudding lies in the eating", is an old saying. Let us assume, for the sake of argument, that the present Social Security Act had been passed in 1874, instead of 1935, and that it was in full force and effect, with a full reserve fund, in 1929 when the depression came. What would have happened? The Social Security Board, according to the estimates, would have been obligated to pay the beneficiary class $3,000,000,000 annually. The Board would have expected to derive that amount as follows: One billion three hundred ninety-nine million two hundred thirty-three thousand dollars from the Government through taxation, being 3 percent interest on the reserve funds invested in Government bonds. The remaining $1,600,767,000 would have to be obtained from pay-roll taxes—one-half from the employer and one-half from the employee.

Our national income and pay rolls were reduced 50 percent. Assuming that the Government had been able to pay its share or the interest charge on the bonds, which it was not, the Social Security Board would have to place on the market each year $800,000,000 in Government bonds held by the fund, par value, to meet the deficiency in the pay-roll tax. The total receipts of the Government during the 7 fiscal years beginning June 30, 1930, and ending June 30, 1937, were $27,316,017,408, including more than $252,000,000 in pay-roll taxes under the Social Security Act. The Government disbursed during that period $49,563,453,879, and had to borrow or obtain from sources other than taxation during the 7-year period $22,247,436,471 to cover these deficits. Had the Social Security Board been operating during that time the Government would have had to borrow each year during that 7-year period $1,399,233,000, or a total of $9,794,691,000, to meet the interest charge. In other words, the Government would have gone into the depression with a public debt of $46,641,100,000 and would have had to borrow in addition $32,042,127,471 to meet this interest charge and these deficits, which would have made a total public debt of $78,683,227,471. We would have spent the $46,641,100,000 reserve fund in times of prosperity and would have been in bankruptcy and unable to raise money for relief and excess operating expenses in times of depression. If we had been able to obtain this money at 3 percent, which is doubtful, the carrying charge of this debt alone would amount to $2,360,496,624 annually. The fact is that any financing such as this would have been out of the question. The interest on Government bonds held by the Social Security Board would have defaulted and there would have been no social security. If an attempt had been made to make current bond issues more attractive by raising the interest rate, we would have depreciated the value of the 3-percent bonds held by the Social Security Board and would have had to take a loss and market more of these bonds to meet the annual deficit of $800,000,000 in pay-roll taxes.

I am not attempting to kill the Social Security Act. I am merely trying to keep it from committing suicide. It is because I believe in social security that I am pointing out these defects. I believe the friends of social security, of whom I claim to be one, ought to save it not only from destruction by its enemies but from self-destruction. Are we not forced to admit that under the present social-security system social security cannot succeed? That we cannot hope to raise $1,399,233,000 annually in taxes in addition to the regular revenues required for the Government, particularly in times of depression, ought to be self-evident. Ought not we frankly to admit that we could not have borrowed this interest money plus relief money plus deficiency in revenues during the period of the past depression had we had a national debt of $47,000,000,000 to begin with without paying exorbitant rates of interest? Should we not frankly admit that to sell bonds at an increased rate of interest would have wrought havoc with the value of the 3-percent bonds held by the Social Security Board? Why stick our heads into the sand like an ostrich while social security in America is going to certain ultimate destruction? Why not try to work out some solution of this great problem?

REMEDY

What, then, is the solution of this perplexing problem? It has been my purpose to criticize in a constructive, friendly way. One should not attempt to tear down a structure if it has some value, despite some defects, unless one is prepared to build a better one. "What would you do if you had the power?" is a fair question.

First. I would incorporate the Social Security Board, and take it, as nearly as possible, out of politics. The Social Security Board has a most difficult task, so difficult, in fact, that it cannot succeed if it is weighted down with political barnacles. I would have a staggered commission with long terms of office and provide that no President could appoint more than two members, which would be less than a majority in any one term.

Second. I would make a trust fund of all moneys paid in and provide by law and, if possible, by constitutional provision that the moneys are to be used exclusively by the Board for the benefit of the workers who paid into the fund.

Third. I would invest the reserve fund in productive instead of nonproductive enterprise. My criticism is not directed at the amount of the reserve fund, but to the method of its investment. I would divide bonds and investments into two classes. Into the first class I would place bonds issued by the Government, whether national, State, or municipal, as direct obligations where the money borrowed is used in nonproductive enterprise, such as highways, streets, parks, buildings, and so forth. While money spent in this way provides temporary employment and may for a time speed up production, in the final analysis the interest, principal, and cost of maintenance will have to be raised by taxation, as the investment in itself in nonproductive. Money spent in nonproductive enterprise is a handicap eventually to recovery in times of depression and tends to bring about a depression in times of prosperity.

Into the second class I would place bonds issued, whether private or public, for the purpose of investing the money in what I call productive enterprise. In this class of bonds the interest and ultimately the principal is paid out of production or out of newly created wealth.

ILLUSTRATIONS

First. A public utility, whether owned privately or publicly, issues its bonds. The money is spent building a power dam. The dam produces electricity. The electricity is sold

to the consumer. With the money realized from its sale the company pays the interest and ultimately the principal of the bond issue.

Second. A farmer borrows money from the Federal land bank or from private sources with which to purchase a farm. He grows crops, thereby producing new wealth. He sells the crops and with the money realized from the production of this new wealth he pays the interest and ultimately the principal of the mortgage.

Third. A home owner borrows money from the Home Owners' Loan Corporation, Federal Housing Administration, or from private sources with which to build, buy, or finance a home. He works in a factory. His wages are paid out of the wealth he has produced. With those wages he pays the interest and ultimately the principal of the loan.

The above are a few illustrations of what I mean by productive enterprise. The interest and ultimately the principal of this class of investments are paid out of production and not by taxation. Instead of being a handicap to recovery in times of depression they help to bring about recovery. Instead of retarding production or being a hindrance to business in times of prosperity they accelerate permanent production and help maintain prosperity. What I believe will prove ultimately to be the fatal defect in the present social-security system lies in the fact that the entire amount of the reserve fund will be invested in nonproductive enterprises, the entire annual interest charge and principal of which must be ultimately paid through taxation. Think of the burden of paying annually by taxation 3-percent interest on $46,641,100,000 or $1,399,233,000. We might pay it in times of prosperity but history of the past 10 years has proven conclusively that we could not have paid that amount in addition to the regular expenses of Government in times of depression.

Fourth. (a) I would provide by law for diversified investments limiting the amount of the reserve fund that could be invested in direct Federal bonds classified as nonproductive investment to 10 percent, and (b) I would limit investment in State, county, and municipal bonds—nonproductive—to 10 percent.

(c) I would provide that at least 80 percent of the reserve funds would have to be invested in loans to productive enterprise specifying by law the percent (not in any event to exceed 10 percent in any one investment) to be invested in each class. A provision similar to the following is suggested:

Of the total reserve funds held by the Board not to exceed the percentages named hereinafter may be invested in the class of bonds named.

(1) Ten percent in direct Federal obligations.
(2) Ten percent in direct State, county, or municipal obligations.
(3) Ten percent in electric light, power, and reclamation projects—public or private.
(4) Ten percent in Federal land-bank loans.
(5) Ten percent in H. O. L. C.
(6) Ten percent in Federal housing projects.
(7) Ten percent in loans made by the R. F. C.
(8) Thirty percent in miscellaneous loans.
(9) All bond issues purchased or loans made to be approved by the Federal Securities and Exchange Commission.

In other words, I would invest the social-security funds exactly as any private insurance company, private trust company, or bank would invest a private trust fund, making safety of investment the first consideration.

It is not only interesting but helpful in the solution of this problem to note that 242 American life insurance companies on December 31, 1935, showed the following investments:

1. U. S. Government, Canadian, and foreign bonds	$3,005,760,677
2. Bonds of States, Territories, and possessions	496,206,923
3. Bonds issued by municipalities and county governments, including subdivisions of States and Territories	1,181,610,333
4. Railroad bonds, including equipment trust certificates	2,608,995,457
5. Bonds issued by public utilities	2,103,573,913
6. Industrial and miscellaneous bonds	570,786,562
7. Invested in stocks	514,380,414
8. Invested in farm and other mortgages	4,298,930,601
Total investments	14,780,244,880

With the exception of items 1, 2, and 3, the principal and interest of these bonds are being paid out of production.

Let us see how my plan would work out. The present act provides for a reserve fund, as stated heretofore, of $46,641,100,000 by 1980. Under my plan, this fund will have been paid in as follows:

Paid by public in taxes and increased costs

(A):	
1. 3-percent interest on 10 percent of reserve fund invested in United States bonds annually to 1980	$3,288,440,000
2. 3-percent interest on 10 percent of reserve fund invested in State and municipal bonds annually to 1980	3,288,440,000
3. 3-percent pay-roll tax passed on to public by employer in increased costs	6,878,350,000
Total paid by public	13,455,230,000
(B) 3-percent pay-roll tax paid by employee and beneficiaries which cannot be passed on	6,878,350,000
(C) Paid into the fund in interest on obligations invested in business and paid out of production 80 percent of the total interest of $32,884,400,000 paid into fund	26,307,520,000
Total reserve fund	46,641,100,000
Or,	
(D) Under my plan the beneficiary class pays a total amount of reserve fund, including his pro-rata share of increased costs and taxation, as follows:	
1. He pays 3-percent pay-roll tax which he cannot pass on	6,878,350,000
(E) He pays, as a consumer, in increased costs and direct and indirect taxes 56 percent of the public share of $13,455,230,000, or	7,534,928,800
Total share of reserve fund contributed by beneficiaries	14,413,278,800
(F) General public, not beneficaries, pay 44 percent of $13,455,230,000, as public's share, or	5,920,301,200
(G) Investing public pays out of productive enterprise 80 percent of $32,884,400,000 interest that goes to make up reserve fund, or	26,307,520,000
Making the total reserve fund	46,641,100,000

The Social Security Act, it is estimated, will pay annually in 1980, $3,000,000,000 in benefits. Under the present plan this amount is paid as follows:

Consuming public will pay:	
(1) (a) 3-percent interest on $46,641,100,000 reserve fund	$1,399,233,000
(b) Paid in pay-roll taxes by employer (passed on to consumer)	800,383,500
Total paid by consumer	2,199,616,500
(c) Paid in pay-roll taxes by employer (not passed on)	800,383,500
Making total of	3,000,000,000
(2) (a) The beneficiary pays $800,383,500 in pay-roll taxes	800,383,500
(b) Plus 56 percent of his share as a consumer of $2,199,616,500 which the public pays, or	1,231,785,240
Beneficiary pays total of	2,032,168,740
(c) Nonbeneficiary will pay in increased costs and taxes 44 percent of the public's share of $2,199,616,500, or	967,831,260
Making total of	3,000,000,000
(3) (a) Under proposed plan 20 percent of reserve fund will be invested in National, State, and municipal bonds (nonproductive enterprise), and public will pay 20 percent of $1,399,233,000 interest	279,846,600
(b) Public will pay employers' pay-roll tax passed on to consumer	800,383,500
Total paid by consuming public	1,080,230,100
(c) Employees will pay their pay-roll tax not passed on	800,383,500
(d) Interest 3 percent on 80 percent of $46,641,100,000 reserve fund will be paid by productive enterprise	1,119,386,400
Total	3,000,000,000

Or,

(a) Beneficiary class pay, pay-roll tax of $800,383,500, plus 56 percent consumers' share of $1,080,230,100, or total of	$1,405,312,356
(b) Nonbeneficiary class pay 44 percent of $1,080,230,100, or	475,301,244
(c) Productive enterprise will pay 3 percent interest on 80 percent of reserve fund, or	1,119,386,400
Making a total of	3,000,000,000

SUMMARY

(1) Under the present plan, $39,762,750,000 of the $46,641,100,000 of the reserve fund on hand in 1980 will have been paid by the public in interest, taxes, and increased costs. Under my plan $13,455,230,000 of this reserve fund will have been paid by the public in interest, taxes, and increased costs, and $26,307,520,000 will have been paid by productive enterprise out of production.

(2) Under the present plan the beneficiary class will pay $29,145,490,000 of the reserve fund, including $6,878,350,000 pay-roll tax. Under my plan the beneficiary class will pay $14,413,278,800 of the reserve fund, including this pay-roll tax.

(3) Under the present plan the nonbeneficiary class will pay $17,495,610,000 of the reserve fund in 1980. Under my plan they will pay $5,920,301,200.

(4) Under the present plan the farmer, as a part of the public, will have paid $15,905,100,000 of the reserve fund. Under my plan he will have paid $5,382,092,000.

(5) Under the present plan the public pays in taxes and interest and in increased costs $2,199,616,500 of the $3,000,000,000 annual benefits paid workers on and after 1980. Under my plan the public will pay $1,080,230,100.

(6) Under the present plan the beneficiary class will pay $2,032,168,740 (including $800,383,500 pay-roll taxes) of the annual benefits paid in 1980. Under my plan they will pay $1,405,312,356, including the pay-roll tax.

(7) Under the present plan, the nonbeneficiary class will pay $967,831,260 of the annual benefits of 1980. Under my plan, they will pay $475,301,244 of the annual benefits. Productive enterprise will pay out of production $1,119,386,400.

(8) Under the present plan, the farmer will pay annually as part of the consuming public $879,846,600. Under my plan he will pay $432,092,040.

(9) In case of depression under the present plan, the Federal Government would owe the entire $46,641,100,000 of the reserve fund as part of the public debt. Under my plan, they would owe the reserve fund $4,664,100,000.

(10) Under the present plan, the Federal Government would be obligated to pay annually out of taxation as interest on the reserve fund $1,399,233,000. Under my plan they would have to pay $139,923,300.

(11) Under my plan the average interest rate paid on reserve fund would undoubtedly be more than 3 percent as productive enterprise pays 4, 5, and sometimes 6 percent. Assuming that the fund would average 4 percent, the reserve fund could be reduced from $46,641,100,000 to approximately $35,000,000,000 as 4 percent on the latter amount would pay $1,400,000,000 into the fund annually or a sum equal to 3 percent on the present proposed reserve fund of $46,641,100,000.

(12) Under the present plan, in case of depression, the Government would have to borrow the above amount payable to the fund as interest and the pay-roll tax rate would have to be doubled to meet decreased pay rolls. Under my plan a sale of 2½ percent of the reserve fund bonds annually would replace a loss of 50 percent pay-roll taxes and of 25 percent interest charges.

Let us assume that we had a depression and that 25 percent of the interest on the bonds defaulted, amounting to $349,808,000, and that the pay-roll taxes were reduced by 50 percent, losing $800,383,500 more in revenue annually. In that case we would have to sell each year $1,150,191,500 or 2.5 percent of the bonds held by the reserve fund. If these bonds were guaranteed by the Government, they could be sold at par, inasmuch as the Government would not be carrying the entire reserve fund of nearly $47,000,000,000 as a public debt. Much of the loss of revenue through nonpayment of interest would be recovered, and the remainder of the money acquired through the sale of bonds in the reserve fund would again be replaced by normal pay-roll taxes in times of prosperity.

CONCLUSION

In conclusion, permit me to say that I have tried to analyze every phase of this tremendous problem, with the earnest hope that I have contributed something toward its ultimate solution. I make no claim that my plan is perfect. I hope that others who have studied this subject thoroughly will find in it food for thought. As I have not hesitated to criticize the present plan or other plans, so I hope that others will not hesitate to criticize my plan. Only through constructive criticism can we hope to evolve a plan which will ultimately be successful. [Applause.]

LEAVE TO ADDRESS THE HOUSE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that on Monday next, after the conclusion of business on the Speaker's desk and the legislative program for the day, I be permitted to address the House for 15 minutes.

The SPEAKER pro tempore (Mr. COSTELLO). Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at the point following the adoption of the conference report on the Bonneville project, and to include letters and correspondence with General Markham, Chief of Engineers of the Army, and other correspondence.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address by Dr. Walker, president of Wilberforce University, on the subject of President Roosevelt, Minimum Wage, and the Negro.

The SPEAKER pro tempore. Is there objection?

Mr. KNUTSON. Mr. Speaker, I reserve the right to object. The understanding has been that no extraneous matter is to be placed in the RECORD; nothing but the remarks of Members.

Mr. SWEENEY. These are my own remarks, and it will take less than two pages. It is very enlightening.

Mr. KNUTSON. I am sure it must be.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio [Mr. SWEENEY]?

There was no objection

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. DITTER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. O'NEAL of Kentucky, indefinitely, on account of official business.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1567. An act authorizing the conservation, production, exploitation, and sale of helium gas, a mineral resource pertaining to the national defense and to the development of

commercial aeronautics, authorizing the acquisition, by purchase or otherwise, by the United States of properties for the production of helium gas, and for other purposes; to the Committee on Military Affairs.

SENATE ENROLLED BILLS SIGNED

The SPEAKER anounced his signature to enrolled bills of the Senate of the following titles:

S. 2520. An act declaring Bayou Savage, also styled Bayou Chantilly, in the city of New Orleans, La., a nonnavigable stream; and

S. 2639. An act to authorize the Secretary of War to lease the Fort Schuyler Military Reservation, N. Y.

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 2260. An act to provide for intervention by the United States direct appeals to the Supreme Court of the United States, and regulation of the issuance of injunctions in certain cases involving the constitutionality of acts of Congress, and for other purposes.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 42 minutes p. m.) the House adjourned until tomorrow Friday, August 13, 1937, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

797. Under clause 2 of rule XXIV a letter from the Attorney General of the United States, transmitting the draft of a bill to permit appeals by the United States to the circuit courts of appeals in certain criminal cases, was taken from the Speaker's table and referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. TEIGAN: Committee on the Public Lands. S. 1075. An act to establish the Pipestone National Monument in the State of Minnesota; without amendment (Rept. No. 1509). Referred to the Committee of the Whole House on the state of the Union.

Mr. McLAUGHLIN: Committee on the Judiciary. H. R. 8125. A bill to amend section 77 of the Judicial Code, as amended, to create a Brunswick division in the southern district of Georgia, with terms of court to be held at Brunswick; with amendment (Rept. No. 1510). Referred to the Committee of the Whole House on the state of the Union.

Mr. DIMOND: Committee on Indian Affairs. H. R. 6042. A bill making further provision with respect to the funds of the Metlakahtla Indians of Alaska; with amendment (Rept. No. 1511). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALMISANO: Committee on the District of Columbia. S. 1226. An act to amend the act of May 3, 1935, relating to the promotion of safety on the highways of the District of Columbia; without amendment (Rept. No. 1515). Referred to the House Calendar.

Mr. McREYNOLDS: Committee on Foreign Affairs. Senate Joint Resolution 191. Joint resolution to protect foreign diplomatic and consular officers and the buildings and premises occupied by them in the District of Columbia; without amendment (Rept. No. 1516). Referred to the House Calendar.

Mr. MAY: Committee on Military Affairs. S. 1282. An act to amend Articles of War 50½ and 70; without amendment (Rept. No. 1517). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAY: Committee on Military Affairs. S. 1283. An act to increase the extra pay to enlisted men for reporting; with amendment (Rept. No. 1518). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. LESINSKI: Committee on Invalid Pensions. H. R. 6904. A bill to grant restoration of pension to Nora J. Buchanan; with amendment (Rept. No. 1512). Referred to the Committee of the Whole House.

Mr. SOMERS of New York: Committee on Invalid Pensions. H. R. 3580. A bill granting an increase of pension to Georgiana Furey; without amendment (Rept. No. 1513). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Invalid Pensions. H. R. 6884. A bill to grant restoration of pension to Viola L. Buchanan; with amendment (Rept. No. 1514). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WEST: A bill (H. R. 8224) to amend paragraph 1606 of the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. VOORHIS: A bill (H. R. 8225) to amend title VI of the Social Security Act to provide for the prevention of the spread of disease in the United States; to the Committee on Ways and Means.

By Mr. BARRY: A bill (H. R. 8226) to reduce the rate of interest on obligations of home owners to the Home Owners' Loan Corporation to 3½ percent, and to allow the Home Owners' Loan Corporation to extend the period of amortization of home loans from 15 to 20 years; to the Committee on Banking and Currency.

By Mr. BROOKS: Resolution (H. Res. 307) directing the Chairman of the Federal Home Loan Bank Board to transmit to the House the total number of mortgages and liens secured by the Home Owners' Loan Corporation in the State of Louisiana, and for other purposes; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CITRON: A bill (H. R. 8227) for the relief of the East Coast Ship & Yacht Corporation, of Noank, Conn.; to the Committee on Claims.

By Mr. DOCKWEILER: A bill (H. R. 8228) granting a pension to Frank N. Curtiss; to the Committee on Pensions.

By Mr. REECE of Tennessee: A bill (H. R. 8229) granting a pension to Leon J. Collins; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3230. By Mr. CURLEY: Petition of Local 802, American Federation of Musicians, Associated Musicians of Greater New York, New York City, urging enactment of the Allen-Schwellenbach bill; to the Committee on Appropriations.

3231. Also, petition of the Interstate Airways Committee, urging enactment of the McCarran-Lea bill for air-transport regulation; to the Committee on Interstate and Foreign Commerce.

3232. By Mr. KINZER: Petition of the citizens of Lancaster County, Pa., urging Congress to enact the old-age pension bill as embodied in House bill 2257; to the Committee on Ways and Means.

3233. By Mr. MASSINGALE: Petition of the Greer County, Okla., cotton growers; to the Committee on Ways and Means.

3234. By Mr. CLASON: Petition of the Board of Selectmen of the town of Wilbraham, Mass., requesting Congress to give immediate consent to the Connecticut River interstate flood-control compact as approved by the Legislatures of Connecticut, New Hampshire, Vermont, and Massachusetts; to the Committee on Interstate and Foreign Commerce.

3235. By Mr. COFFEE of Washington: Petition of the Seattle Local, No. 28, National Federation of Post Office Clerks, affiliated with the American Federation of Labor, urging that whereas the adult-education program of the Works Progress Administration and the Workers' Education Department thereof has been such an important and integral part of the educational function of the trade-union movement in the State of Washington for the last 2 years and that in order to meet the great demand for this type of education the program should be enlarged with assurance of tenure for the teachers employed; to the Committee on Appropriations.

3236. By Mr. SANDERS: Resolution of E. A. Madera and others of Plainview, Tex., recommending that a loan be placed on farm products guaranteeing parity price to producers, etc.; to the Committee on Agriculture.

3237. By Mr. KEOGH: Petition of the Northeastern Poultry Producers' Council, Inc., Washington, D. C., concerning certain amendments to the Black-Connery bill; to the Committee on Labor.

3238. By Mr. PFEIFER: Petition of the Northeastern Poultry Producers' Council, Washington, D. C., concerning certain amendments to the Black-Connery bill; to the Committee on Labor.

3239. Also, telegram of the International Association of Firefighters, Vincent J. Kane, president, Local 94, New York City, concerning the wage and hour bill and the housing bill; to the Committee on Labor.

3240. By Mr. KEOGH: Telegram of Vincent J. Kane, president, Local 94, International Association of Firefighters, New York, concerning the wage and hour bill and the housing bill; to the Committee on Labor.

SENATE

FRIDAY, AUGUST 13, 1937

(Legislative day of Monday, Aug. 9, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, August 12, 1937, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the bill (S. 413) to create a commission and to extend further relief to water users on United States reclamation projects and on Indian irrigation projects, with an amendment, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. LEWIS. Mr. President, the able chairman of the Committee on Finance is presenting a bill that requires the presence of a quorum. I suggest the absence of one, and ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Byrd	Glass	Lodge
Andrews	Byrnes	Green	Logan
Ashurst	Capper	Guffey	Lonergan
Austin	Caraway	Hale	Lundeen
Barkley	Chavez	Harrison	McAdoo
Berry	Clark	Hatch	McCarran
Bilbo	Connally	Herring	McGill
Black	Copeland	Hitchcock	McKellar
Bone	Davis	Holt	Maloney
Borah	Dieterich	Hughes	Minton
Bridges	Donahey	Johnson, Calif.	Moore
Brown, Mich.	Ellender	Johnson, Colo.	Murray
Brown, N. H.	Frazier	King	Neely
Bulkley	George	La Follette	Norris
Bulow	Gerry	Lee	Nye
Burke	Gillette	Lewis	O'Mahoney
Overton	Schwartz	Steiwer	Van Nuys
Pepper	Schwellenbach	Thomas, Okla.	Wagner
Pittman	Sheppard	Thomas, Utah	Walsh
Pope	Shipstead	Truman	White
Radcliffe	Smathers	Tydings	
Reynolds	Smith	Vandenberg	

Mr. LEWIS. I announce that the Senator from Wisconsin [Mr. DUFFY] and the Senator from Georgia [Mr. RUSSELL] are absent on official duty as members of the committee appointed to attend the dedication of the battle monuments in France.

The Senator from North Carolina [Mr. BAILEY] is absent because of illness.

The Senator from Iowa [Mr. HERRING] and the Senator from Montana [Mr. WHEELER] are necessarily detained from the Senate.

Mr. SCHWELLENBACH. I announce that the Senator from Nebraska [Mr. NORRIS] is detained from the Senate because of illness.

Mr. AUSTIN. I announce that my colleague, the junior Senator from Vermont [Mr. GIBSON], having been appointed a member of the committee to attend the dedication of the battle monuments in France is absent on that official duty.

The Senator from Delaware [Mr. TOWNSEND] is necessarily absent.

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

CONSERVATION AND UTILIZATION OF AQUATIC LIFE—APPOINTMENT OF SPECIAL COMMITTEE

The VICE PRESIDENT. The Chair appoints the Senator from Washington [Mr. SCHWELLENBACH], the Senator from Connecticut [Mr. MALONEY], the Senator from Oklahoma [Mr. LEE], the Senator from Maine [Mr. WHITE], and the Senator from Massachusetts [Mr. LODGE], as the members of the special committee to investigate matters relating to the conservation and utilization of aquatic life, authorized by Senate Resolution No. 117, agreed to August 12, 1937.

SUPPLEMENTAL ESTIMATE, DEPARTMENT OF THE INTERIOR (S. DOC. NO. 93)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for printing and binding, Office of the Secretary of the Interior, fiscal year 1938, amounting to $50,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATE, DEPARTMENT OF COMMERCE (S. DOC. NO. 94)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the General Committee of Accident Prevention Conference, Department of Commerce, fiscal year 1938, amounting to $35,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CLAIM OF H. W. ADELBERGER, JR.

The VICE PRESIDENT laid before the Senate a letter from the Acting Comptroller General of the United States, transmitting his report and recommendation concerning the claim of H. W. Adelberger, Jr., against the United States, which, with the accompanying paper, was referred to the Committee on Claims.

REPORTS OF COMMITTEES

Mr. SMITH, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (S. J. Res. 205) providing for benefit payments to cotton producers with respect to cotton produced in 1937, reported it with amendments.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 2022) for the relief of Lt. Lorimer E. Goodwin, reported it with amendments and submitted a report (No. 1184) thereon.